



# California Regulatory Notice Register

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ERRATUM

Please note that Register 2002, No. 45Z of the California Regulatory Notice Register was inadvertently printed with a publication date of November 11, 2002. The CORRECT publication date is **November 8, 2002**. Please make this correction to your copy.

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The *California Regulatory Notice Register* is an official state publication of the Office of Administrative Law containing notices of proposed regulatory actions by state regulatory agencies to adopt, amend or repeal regulations contained in the California Code of Regulations. The effective period of a notice of proposed regulatory action by a state agency in the *California Regulatory Notice Register* shall not exceed one year [Government Code § 11346.4(b)]. It is suggested, therefore, that issues of the *California Regulatory Notice Register* be retained for a minimum of 18 months.

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## PROPOSED ACTION ON REGULATIONS

*Information contained in this document is published as received from agencies and is not edited by the Office of State Publishing.*

### TITLE 2. FAIR POLITICAL PRACTICES COMMISSION

NOTICE IS HEREBY GIVEN that the Fair Political Practices Commission, pursuant to the authority vested in it by sections 82011, 87303, and 87304 of the Government Code to review proposed conflict of interest codes, will review the amended conflict of interest codes of the following agencies:

#### CONFLICT OF INTEREST CODE

#### AMENDMENTS

##### STATE AGENCY:

##### **The Regents of the University of California**

A written comment period has been established commencing on **November 15, 2002**, and closing on **December 30, 2002**. Written comments should be directed to the Adrienne Korchmaros, Fair Political Practices Commission, 428 J Street, Suite 620, Sacramento, California 95814.

At the end of the 45-day comment period, the proposed amendment to the conflict of interest code will be submitted to the Commission's Executive Director for review, unless any interested person, or his or her duly authorized representative, requests, no later than 15 days prior to the close of the written comment period, a public hearing before the full Commission. If a public hearing is requested, the proposed amendment will be submitted to the Commission for review.

The Executive Director of the Commission will review the above-referenced amendment to the conflict of interest code, proposed pursuant to Government Code section 87300, which designates, pursuant to Government Code section 87302, employees who must disclose certain investments, interests in real property, and income.

The Executive Director or the Commission, upon his or her own motion or at the interest of any interested person, will approve, or revise and approve, or return the amendment to the agency for revision and re-submission within 60 days without further notice.

Any interested person may present statements, arguments, or comments, in writing to the Executive Director of the Commission, relative to review of the

proposed amendment to the conflict of interest code. Any written comments must be received no later than **December 30, 2002**. If a public hearing is to be held, oral comments may be presented to the Commission at the hearing.

#### COST TO LOCAL AGENCIES

There shall be no reimbursement for any new or increased costs to local government which may result from compliance with these codes because these are not new programs mandated on local agencies by the codes since the requirements described herein were mandated by the Political Reform Act of 1974. Therefore, they are not "costs mandated by the state" as defined in Government Code section 17514.

#### EFFECT ON HOUSING COSTS AND BUSINESSES

Compliance with the codes has no potential effect on housing costs or on private persons, businesses, or small businesses.

#### AUTHORITY

Government Code sections 82011, 87303, and 87304 provide that the Fair Political Practices Commission as the code reviewing body for the above conflict of interest code shall approve codes as submitted, revise the proposed code, and approve it as revised, or return the proposed code for revision and re-submission.

#### REFERENCE

Government Code sections 87300 and 87306 provide that agencies shall adopt and promulgate conflict of interest codes pursuant to the Political Reform Act and amend their codes when change is necessitated by changed circumstances.

#### CONTACT

Any inquiries concerning the proposed conflict of interest code(s) should be made to Adrienne Korchmaros, Fair Political Practices Commission, 428 J Street, Suite 620, Sacramento, California 95814, telephone (916) 322-5660.

### TITLE 13. DEPARTMENT OF MOTOR VEHICLES

#### NOTICE IS HEREBY GIVEN

The Department of Motor Vehicles (the department) proposes to adopt section 147.00 in Chapter 1, Division 1, Article 2.7 of Title 13, California Code of Regulations, House Car Endorsement.

#### PUBLIC HEARING

A public hearing regarding this proposed regulatory action is not scheduled. However, a public hearing will be held if any interested person or his or her duly

authorized representative requests a public hearing to be held relevant to the proposed action by submitting a written request to the contact person identified in this notice no later than 5:00 P.M., fifteen (15) days prior to the close of the written comment period.

#### DEADLINE FOR WRITTEN COMMENTS

Any interested person or his or her duly authorized representative may submit written comments relevant to the proposed regulations to the contact person identified in this notice. All written comments must be received at the department no later than 5:00 P.M., DECEMBER 30, 2002, the final day of the written comment period, in order for them to be considered by the department before it adopts the proposed regulations.

#### AUTHORITY AND REFERENCE

The department proposes to adopt these regulations under the authority granted by Section 1651 of the California Vehicle Code in order to implement, interpret or make specific Sections 12804.9, 12804.10, 12804.15, and 35400 of the Vehicle Code.

#### INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Section 35400 of the Vehicle Code specifies the conditions under which the department may issue a class B driver license. Section 12804.15 delineates the requirements for issuance of a 45-ft house car endorsement to be used in conjunction with a non-commercial class B driver license. Section 12804.15(c)(2) specifies an applicant's medical information must be submitted on a form approved by the department in order to establish the applicant meets the minimum medical requirements.

The effect of the proposed regulation is to add Section 147.00 to Article 2.7 of Title 13 to establish the requirements for any person applying for a 45-ft house car endorsement with a non-commercial class B driver license.

#### FISCAL IMPACT STATEMENT

- Cost Or Savings To Any State Agency: None.
- Other Non-Discretionary Cost or Savings to Local Agencies: None.
- Costs or Savings in Federal Funding to the State: None.
- Cost Impact on Representative Private Persons or Businesses: The department is not aware of any significant cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.
- Effect on Housing Costs: None.

#### DETERMINATIONS

The department has made the following initial determinations concerning the proposed regulatory action:

- The proposed regulatory action will not have a significant statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states. The regulatory action proposed by the department allows the department to issue a house car endorsement for holders of non-commercial class B driver licenses. No studies or data were relied upon in support of this proposal.
- The adoption of this regulation is not expected to create or eliminate jobs or businesses in the state of California or reduce or expand businesses currently doing business in the state of California.
- The proposed regulatory action will not impose a mandate on local agencies or school districts, or a mandate that requires reimbursement pursuant to part 7 (commencing with Section 17500) of Division 4 of the Government Code.
- The proposed regulatory action will not affect small business. The regulation governs the issuance of a house car endorsement to individual drivers holding a non-commercial class B driver license that wish to drive 45-ft house cars.

#### PUBLIC DISCUSSIONS OF PROPOSED REGULATIONS

A pre-notice workshop, pursuant to Government Code section 11346.45, is not required because the issues addressed in the proposal are not so complex or large in number that they cannot easily be reviewed during the comment period.

#### ALTERNATIVES CONSIDERED

The department must determine that no reasonable alternative considered by the department or that has otherwise been identified and brought to the attention of the department would be more effective in carrying out the purpose for which the action is proposed, or would be as effective and less burdensome to affected private persons than the proposed action.

#### CONTACT PERSON

Inquiries relevant to the proposed action and questions on the substance of the proposed regulations should be directed to the department representative, Bonnie DeWatney, Department of Motor Vehicles, P.O. Box 932382, Mail Station E-244, Sacramento, California 94232-3820; telephone number (916) 657-8954, or [bdewatney@dmv.ca.gov](mailto:bdewatney@dmv.ca.gov). In the absence of the department representative, inquiries may be directed to the Regulations

Coordinator, Deborah Baity, at (916) 657-5690 or dbaity@dmv.ca.gov. The fax number for the Regulations Branch is (916) 657-1204.

#### AVAILABILITY OF STATEMENT OF REASONS AND TEXT OF PROPOSED REGULATIONS

The department has prepared an initial statement of reasons for the proposed action, and has available all the information upon which the proposal is based. The contact person identified in this notice shall make available to the public upon request the express terms of the proposed action using underline or italics to indicate additions to, and strikeouts to indicate deletions from the California Code of Regulations. The contact person identified in this notice shall also make available to the public, upon request, the final statement of reasons once it has been prepared and submitted to the Office of Administrative Law, and the location of public records, including reports, documentation and other materials related to the proposed action. In addition, the above-cited materials (Initial Statement of Reasons and Express Terms) may be accessed at [www.dmv.ca.gov](http://www.dmv.ca.gov). Other Services, Legal Affairs Division, Public Comments web page.

#### AVAILABILITY OF MODIFIED TEXT

Following the written comment period and the hearing, if one is held, the department may adopt the proposed regulations substantially as described in this notice. If modifications are made which are sufficiently related to the originally proposed text, the full, modified text with changes clearly indicated would be made available to the public for at least 15 days prior to the date on which the department adopts the resulting regulations. Requests for copies of any modified regulations should be addressed to the department contact person identified in this notice. The department will accept written comments on the modified regulations for 15 days after the date on which they are first made available to the public.

## TITLE 22. DEPARTMENT OF HEALTH SERVICES

### ACTION

Notice of Emergency Rulemaking

### SUBJECT

Environmental Laboratory Accreditation  
Program Fees, **R-9-01E**

### PUBLIC PROCEEDINGS

Notice is hereby given that the California Department of Health Services will conduct written public proceedings during which time any interested person or such person's duly authorized representative may

present statements, arguments or contentions relevant to the action described in this notice. Any written statements, arguments or contentions must be received by the Office of Regulations, Department of Health Services, 714 P Street, Room 1000, P.O. Box 942732, Sacramento, CA 94234-7320, by 5 p.m. on January 2, 2003, which is hereby designated as the close of the written comment period. It is requested but not required that written statements, arguments or contentions sent by mail or hand-delivered be submitted in triplicate.

Comments by FAX (916-657-1459) or email (regulation@dhs.ca.gov) must be received before 5:00 p.m. on the last day of the public comment period. All comments, including email or fax transmissions, should include the author's name and U.S. Postal Service mailing address in order for the Department to provide copies of any notices for proposed changes in the regulation text on which additional comments may be solicited.

### CONTACTS

**In any of the following inquiries, please identify the action by using the Department regulation control number, R-9-01E:**

1. In order to request a copy of this regulation package be sent to you, please call (916) 654-0381 or email regulation@dhs.ca.gov.

2. Inquiries regarding the substance of the emergency regulations described in this notice may be directed to George C. Kulasingam, Ph.D., of the Environmental Laboratory Accreditation Program, at (510) 540-2800.

3. All other inquiries concerning the action described in this notice may be directed to Charles E. Smith of the Office of Regulations, at (916) 657-0730, or to the designated backup contact person, Allison Branscombe, at (916) 657-0692.

Persons wishing to use the California Relay Service may do so at no cost. The telephone numbers for accessing this service are: 1-800-735-2929, if you have a TDD; or 1-800-735-2922, if you do not have a TDD.

### INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

The Health and Safety Code changes in Chapter 733, statutes of 2000, eliminated the previously existing statutory fees, and require the department to adopt regulations setting fees that will be sufficient to fully support Environmental Laboratory Accreditation Program (ELAP) certification activities.

California statutes govern the certification of environmental laboratories providing analytical data for regulatory purposes in California. These statutes were first adopted in 1988 (AB 3739, Chapter 894), as Chapter 7.5, Division 1, Part 2, Health and Safety



Code, Sections 100825 through 100920. The statutes were amended in 1989, 1991, 1993, 1996, 1999, and 2000.

Regulations implementing the California statutes were first adopted as Section 64801 through 64827, Title 22, Division 4, Chapter 19, California Code of Regulations in 1994.

Section 100860.1, added to the Health and Safety Code (H&SC) by SB 2203 (Chapter 733, Statutes of 2000), replaced Section 100860 effective January 1, 2002. Section 100860 provided fees to be paid by environmental laboratories for the support of an ELAP certification program. Section 100860 became inoperative January 1, 2002. Section 100860.1 mandates that the program be “fully fee-supported” and requires the adoption of regulations effective January 1, 2002 to specify the ELAP certification fees. Section 100860.1 also made some changes in the fields of testing which the Department is authorized to accredit. The fees established in this emergency regulation also apply to the revised fields of testing.

The Budget Act for 2002–2003 (AB 425, Chapter 379, Statutes of 2002), Provision 1 to Item 4260-001-0001, provides that the department shall promulgate emergency regulations to adjust fees to a level that will cover at least 95% of the cost of a fee supported program. Without the fees established in this emergency regulation, the Department’s Environmental Laboratory certification program will not have sufficient fee income from the regulated laboratories to support the program as required by Health and Safety Code section 100860.1 and the Budget Act.

The fee schedule established by the emergency regulation, a base or administrative fee of \$959 and a field of testing fee of \$432 for each field of testing for which the laboratory will be conducting analyses, was the fee schedule as established in statutes for the current ELAP program until January 1, 2002. These fees have not been adjusted in the last six years. The original fees, which were set in the Health and Safety Code, was a base or administrative fee of \$879 and a field of testing fee of \$396.

Specifically, the Department has adopted a new Section 64806 in Title 22, California Code of Regulations, summarized as follows:

Section 64806 is adopted to establish a schedule of fees for laboratories applying for ELAP certifications. These fees replace, at the same level, the fees previously authorized in Health and Safety Code Section 100860. Fees provided in this emergency regulation apply to the revised fields of testing established by Section 100860.1.

#### **AUTHORITY**

Sections 100830, 100835, and 100860.1, Health and Safety Code.

#### **REFERENCE**

Section 100825.

#### **FISCAL IMPACT ESTIMATE**

- A. Fiscal Effect on Local Government: No fiscal impact exists.
- B. Fiscal Effect on State Government: This regulation establishes fees sufficient to fully support the current activities of the Environmental Laboratory Accreditation Program.
- C. Fiscal Effect on Federal Funding of State Programs: No fiscal impact exists.
- D. All cost impacts, known to the Department at the time the notice of emergency action was submitted to the Office of Administrative Law, that a representative private person or business would necessarily incur in reasonable compliance with the emergency action: The agency is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the emergency action.
- E. Other Nondiscretionary Cost or Savings Imposed on Local Agencies: None.

#### **DETERMINATIONS**

The Department has determined that the regulation would not impose a mandate on local agencies or school districts, nor are there any costs for which reimbursement is required by Part 7 (commencing with Section 17500) of Division 4 of the Government Code.

The Department has made an initial determination that the regulation would not have a significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states.

The Department has determined that the regulation would not significantly affect the following:

- (1) The creation or elimination of jobs within the State of California.
- (2) The creation of new businesses or the elimination of existing businesses within the State of California.
- (3) The expansion of businesses currently doing business within the State of California.

The Department has determined that the regulation would affect small business.

The Department has determined that the regulation would have no impact on housing costs.

#### **AVAILABILITY OF STATEMENT OF REASONS AND TEXT OF REGULATIONS**

The Department has prepared and has available for public review an initial statement of reasons for the emergency regulation, all the information upon which the emergency regulations are based, and the text of

the emergency regulation. A copy of the initial statement of reasons and a copy of the text of the emergency regulation are available upon request by writing to the Office of Regulations at the address noted above, which address will also be the location of public records, including reports, documentation, and other material related to the emergency regulation (rulemaking file). Additionally, a copy of the final statement of reasons (when prepared) will be available upon request from the Office of Regulations at the address noted above. Materials regarding the emergency regulation that are available via the Internet may be accessed at <http://www.dhs.ca.gov/regulation/>.

#### AVAILABILITY OF CHANGED OR MODIFIED TEXT

The full text of any regulation which is changed or modified from the express terms of the emergency action will be made available by the Department's Office of Regulations at least 15 days prior to the date on which the Department adopts, amends, or repeals the resulting regulation.

#### ADDITIONAL STATEMENTS AND COMMENTS

In accordance with Government Code Section 11346.5(a)(13) the Department must determine that no reasonable alternative considered by the Department or that has otherwise been identified and brought to the attention of the Department would be more effective in carrying out the purpose for which the action was taken or would be as effective and less burdensome to affected private persons than the emergency action.

No hearing has been scheduled; however any interested person or his or her duly authorized representative may request in writing, no later than 15 days prior to the close of the written comment period, a public hearing pursuant to Government Code Section 11346.8.

Sign language interpreting services at a public hearing or other reasonable accommodation will be provided upon request. Such request should be made no later than 21 days prior to the close of the written comment period, and addressed to the Office of Civil Rights within the Department of Health Services by phone (916-657-1411); FAX (916-657-0153); TDD (916-657-2861); or email ([civilrights-ra@dhs.ca.gov](mailto:civilrights-ra@dhs.ca.gov)).

### TITLE 24. BUILDING STANDARDS COMMISSION

#### NOTICE OF PROPOSED CHANGES TO BUILDING STANDARDS OF THE CALIFORNIA BUILDING STANDARDS COMMISSION

#### REGARDING THE CALIFORNIA BUILDING STANDARDS CODE CALIFORNIA CODE OF REGULATIONS, TITLE 24

**Notice is hereby given** that the California Building Standards Commission proposes to adopt, amend,

repeal, approve, codify, and publish building standards proposed and submitted for the 2002 Annual Code Adoption Cycle of the California Building Standards Code (California Code of Regulations (CCR), Title 24). The California Building Standards Code is comprised of Part 1 (California Building Standards Administrative Code), Part 2 (California Building Code), Part 3 (California Electrical Code), Part 4 (California Mechanical Code), Part 5 (California Plumbing Code), Part 6 (California Energy Code), Part 7 (California Elevator Safety Construction Code), Part 8 (California Historical Building Code), Part 9 (California Fire Code), Part 10 (California Code for Building Conservation), Part 12 (California Referenced Standards Code).

The proposed building standards are being proposed by the California Building Standards Commission, Department of Housing and Community Development, Division of the State Architect, Office of Statewide Health Planning and Development, and the Office of the State Fire Marshal for incorporation in CCR, Title 24, Parts 1, 2, 3, 4, 5, and 9. The summary of proposed actions are listed by the proposing agency in the appendix portion of this notice, as follows:

- Appendix A California Building Standards Commission (CBSC)
- Appendix B Division of the State Architect, Access Compliance (DSA/AC)
- Appendix C Division of the State Architect, Structural Safety (DSA/SS)
- Appendix D Department of Housing and Community Development (HCD)
- Appendix E Office of Statewide Health Planning and Development (OSHDP)
- Appendix F Office of the State Fire Marshal (SFM)

#### WRITTEN COMMENT PERIOD

A public hearing has not been scheduled; however, written comments will be accepted from November 15, 2002 until 5:00 p.m. on January 8, 2003. Please address your comments to:

California Building Standards Commission  
2525 Natomas Park Drive, Suite 130  
Sacramento, CA 95833  
Attention: Thomas L. Morrison  
Deputy Executive Director

#### Public Hearing Request

Written Comments may also be faxed to (916) 263-0959 or emailed to [CBSC@dgs.ca.gov](mailto:CBSC@dgs.ca.gov). Pursuant to Government Code (GC) Section 11346.5(a)17, any interested person or his or her duly authorized representative may request, no later than 15 days prior to the close of the written comment period, that a public hearing be held.

Post-Hearing Modifications to the Text of the Regulations

Following the written comment period, CBSC may adopt the proposed building standards substantially as proposed in this notice or with modifications that are sufficiently related to the original proposed text and notice of proposed changes. If modifications are made, the full text of the proposed modifications, clearly indicated, will be made available for at least 15 days prior to the date on which CBSC adopts, amends, or repeals the resulting standards. **NOTE:** To be notified of any modifications, you must submit written/oral comments or request that you be notified of any modifications.

**AUTHORITY AND REFERENCE**

California Building Standards Commission

CBSC proposes to adopt these building standards under the authority granted by Health and Safety Code (H&SC) Sections 18928 and 18934.5. The purpose of these building standards is to implement, interpret, and make specific the provisions of H&SC Sections 18928, 18928.1, 18934.5, and 18938.

Other Matters Prescribed by Statute Applicable to the Agency or to Any Specific Regulation or Class of Regulations: H&SC Section 18934.5 authorizes CBSC to adopt building standards for state-owned buildings, where no state agency has that authority. This includes buildings constructed by the University of California, and buildings constructed by the California State University. Furthermore, H&SC Section 18928 requires CBSC to propose the adoption of the most recently published model codes within one year of their publication.

Division of the State Architect, Access Compliance

CBSC proposes to adopt these building standards on behalf of DSA/AC under the authority granted by H&SC Section 18949.1. The purpose of these building standards is to implement, interpret, and make specific the provisions of GC Sections 4450 through 4460, 12955.1 and H&SC Sections 18949.1, and 19952 through 19959. DSA/AC is proposing this regulatory action based on GC Section 4450.

Other Matters Prescribed by Statute Applicable to the Agency or to Any Specific Regulation or Class of Regulations: DSA/AC is unaware of any other matters prescribed by statutes applicable to the DSA/AC or to any specific regulations or class of regulations.

Division of the State Architect, Structural Safety

CBSC proposes to adopt these building standards under the authority granted by H&SC Section 18928. The purpose of these building standards is to implement, interpret, and make specific the provisions of H&SC Sections 16000–16023 and Education Code

Sections 17280–17317 and 81130–81147. DSA/SS is proposing this regulatory action based on H&SC Section 16022 and Education Code Sections 17310 and 81142.

Other Matters Prescribed by Statute Applicable to the Agency or to Any Specific Regulation or Class of Regulations: There are no other matters prescribed by statute applicable to DSA/SS, or to any specific regulation or class of regulations.

Department of Housing and Community Development

CBSC proposes to adopt these building standards under the authority granted by H&SC Section 18949.5. The purpose of these building standards is to implement, interpret, and make specific the provisions of H&SC Sections 17040, 17921, 17922, 18300, 18670 and 19990, and GC Section 12955.1. HCD is proposing this regulatory action based on H&SC Sections 17040, 17921, 18300, 18670 and 19990.

Other Matters Prescribed by Statute Applicable to the Agency or to Any Specific Regulation or Class of Regulations: None

Office of Statewide Health Planning and Development

CBSC proposes to adopt these building standards under the authority granted by H&SC Sections 1226, 1275, 18949.3, 129790, and 129850, and GC Section 11152.5. The purpose of these building standards is to implement, interpret, and make specific the provisions of H&SC Sections 1226, 1275, 18928, 129790, 129850, 129885 and GC 11152.5. OSHPD is proposing this regulatory action based on H&SC Sections 18928, 18929 and 129850.

Other Matters Prescribed by Statute Applicable to the Agency or to Any Specific Regulation or Class of Regulations: There are no other matters to be identified.

Office of the State Fire Marshal

CBSC proposes to adopt these building standards under the authority granted by H&SC Section 18949.2 and 18949.3. The purpose of these building standards is to implement, interpret, and make specific the provisions of H&SC Section 13143(a) and 18928. SFM is proposing this regulatory action pursuant to H&SC Sections 17921, 18897.3, 13108, 13211, 13113, 13113.5, 13114, 13132.7, 13133, 13135, 13143, 13143.1, 13143.6, 13143.9, 13146, and GC Section 11152.5.

Other Matters Prescribed by Statute Applicable to the Agency or to Any Specific Regulation or Class of Regulations: SFM has determined that there are no other matters prescribed by statute applicable to this agency or to any specific regulation or class of regulation as previously amended and or adopted by the SFM.



INFORMATIVE DIGEST AND POLICY  
STATEMENT OVERVIEW

Summary of existing laws and regulations

State Building Standards Law, H&SC Sections 18929 and 18930 require that building standards, including regulations that apply directly to the implementation or enforcement of building standards, be forwarded to CBSC for adoption and/or approval. H&SC Section 18929.1 requires CBSC to receive the building standards from state agencies for consideration in an annual code adoption cycle.

Each regulation shall be adopted in compliance with the procedures specified in H&SC Section 18930 and in GC, Title 2, Division 3, Part 1, Chapter 3.5, Article 5 (commencing with Section 11346). H&SC Sections 18949.1, 18949.2, 18949.3 and 18949.5 transfer the responsibilities to CBSC for adopting regulations relating to building standards proposed by DSA/AC, DSA/SS, HCD, OSHPD and SFM. Under the authority granted by these provisions of law, CBSC proposes this rulemaking.

CBSC is charged with the responsibility to adopt regulations that ensure adequate public participation in the development of building standards prior to submittal to the Commission for adoption and/or approval. In addition, the law requires that the regulations ensure adequate technical review of the proposed building standards by advisory bodies appointed by CBSC. The proposed building standards being noticed were reviewed by advisory bodies of the Commission between September 9 and 17, at 2525 Natomas Park Drive, Sacramento, California, and on October 24, 2002, at 400 R Street, Sacramento, California. The recommendations made by these committees are incorporated into the express terms. (Note: See the informative digests for each state agency in the appendices for specific details on the effect of the proposals.)

Effect of this rulemaking

This rulemaking proposes to:

1. Adopt, amend, repeal, approve, codify and publish regulations that apply directly to the implementation or enforcement of building standards, which are contained in CCR, Title 24, Part 1 for DSA/SS and OSHPD. (Note: See the informative digests for each state agency in the appendices for specific details on the effect of the proposals.)
2. Adopt, amend, repeal, approve, codify and publish regulations that apply directly to the implementation or enforcement of building standards, which are contained in CCR, Title 24, Part 2 for DSA/SS, OSHPD, and SFM. (Note: See the informative digests for each state agency in the appendices for specific details on the effect of the proposals.)

3. Adopt, amend, repeal, approve, codify and publish regulations that apply directly to the implementation or enforcement of building standards, which are contained in CCR, Title 24, Part 3 for CBSC, DSA/AC, DSA/SS, HCD, OSHPD, and SFM. (Note: See the informative digests for each state agency in the appendices for specific details on the effect of the proposals.)
4. Adopt, amend, repeal, approve, codify and publish regulations that apply directly to the implementation or enforcement of building standards, which are contained in CCR, Title 24, Part 4 for OSHPD. (Note: See the informative digests for each state agency in the appendices for specific details on the effect of the proposals.)
5. Adopt, amend, repeal, approve, codify and publish regulations that apply directly to the implementation or enforcement of building standards, which are contained in CCR, Title 24, Part 5 for OSHPD. (Note: See the informative digests for each state agency in the appendices for specific details on the effect of the proposals.)
6. Adopt, amend, repeal, approve, codify and publish regulations that apply directly to the implementation or enforcement of building standards, which are contained in CCR, Title 24, Part 9 for SFM. (Note: See the informative digests for each state agency in the appendices for specific details on the effect of the proposals.)

FISCAL IMPACT

Estimate of Cost or Savings

Cost or Savings to any state agency: see appendices

Cost to any local agency: see appendices

Cost to any school district: see appendices

Other nondiscretionary cost or savings imposed on local agencies: see appendices

Cost or savings in federal funding to the state: see appendices

Cost Impact on Representative Private Persons or Businesses

See cost impact statements for each state agency in the appendices for specific details on the effect of the proposals.

Initial Determination of Significant Effect on Housing Costs

See initial determinations of significant effect on housing costs for each state agency in the appendices for specific details on the effect of the proposals.

Mandate on Local Agencies or School Districts

See the mandate statement for each state agency in the appendices for specific details on the effect of the proposals.

**ECONOMIC IMPACT**

Initial Determination of Significant Statewide Adverse Economic Impact on Businesses

See initial determinations of significant statewide adverse economic impact on businesses for each state agency in the appendices for specific details on the effect of the proposals.

Assessment of The Effect of Regulation Upon Jobs and Business Expansion, Elimination or Creation

See assessments for each state agency in the appendices for specific details on the effect of the proposals.

**FINDING OF NECESSITY FOR THE PUBLIC'S HEALTH, SAFETY, OR WELFARE**

See assessments for each state agency in the appendices for specific details on the effect of the proposals.

**ALTERNATIVES CONSIDERED**

The state agencies involved in this rulemaking must determine that no reasonable alternative considered by the state agency or that has otherwise been identified and brought to the attention of the agency would be more effective in carrying out the purpose for which the action is being proposed or would be as effective and less burdensome to affected private persons than the proposed action.

**AVAILABILITY OF  
RULEMAKING DOCUMENTS**

CBSC has prepared and has available for public review an Initial Statement of Reasons (ISOR) for the proposed action, information upon which the proposals are based, and the regulation text. The ISOR and the regulation text are included in the monograph of code advisory committee recommendations and are available by contacting Lerryn McCullough at (916) 263-0916. In addition, this notice, the regulation text and the ISOR can be accessed from CBSC's website at [www.bsc.ca.gov](http://www.bsc.ca.gov).

Interested parties may obtain a copy of the Final Statement of Reasons, which summarizes objections or recommendations made regarding the regulatory actions and explains how the proposed actions have been changed to accommodate the objections or recommendations, when available from either CBSC's contact, Lerryn McCullough at (916) 263-0916, or CBSC's website.

**CONTACT INFORMATION FOR QUESTIONS**

CBSC Contact Person for Procedural and Administrative Questions

Specific questions regarding the regulations should be addressed to the following department contact person:

Thomas L. Morrison or Stuart Posselt  
[tom.morrison@dgs.ca.gov](mailto:tom.morrison@dgs.ca.gov) or  
[stuart.posselt@dgs.ca.gov](mailto:stuart.posselt@dgs.ca.gov)  
(916) 263-0916  
(916) 263-0959 FAX

Contact Persons for Substantive and/or Technical Questions on the Proposed Changes to Building Standards

Specific questions regarding the standards should be addressed to the following department contact persons:

CBSC	Michael Nearman (916) 263-5888 (916) 263-0959 FAX <a href="mailto:Michael.Nearman@dgs.ca.gov">Michael.Nearman@dgs.ca.gov</a>
DSA/AC	Michael Mankin (916) 322-4700 (916) 327-3371 FAX <a href="mailto:Michael.mankin@dgs.ca.gov">Michael.mankin@dgs.ca.gov</a>
DSA/SS	Richard Conrad (916) 324-7180 Howard "Chip" Smith (916) 323-1687 (916) 327-3371 FAX <a href="mailto:richard.conrad@dgs.ca.gov">richard.conrad@dgs.ca.gov</a> <a href="mailto:howard.smith@dgs.ca.gov">howard.smith@dgs.ca.gov</a>
HCD	Dave Walls (916) 445-9471 (916) 327-4712 FAX <a href="mailto:dwalls@hcd.ca.gov">dwalls@hcd.ca.gov</a>
OSHPD	Susan M. Botelho (916) 654-2012 (916) 654-2079 FAX <a href="mailto:regsunit@oshpd.state.ca.us">regsunit@oshpd.state.ca.us</a>
SFM*	Leslie R. Billington (916) 327-4998 Gini Krippner (916) 445-8200 (916) 445-8459 FAX <a href="mailto:leslie_bllington@fire.ca.gov">leslie_bllington@fire.ca.gov</a> <a href="mailto:gini_krippner@fire.ca.gov">gini_krippner@fire.ca.gov</a>

**APPENDIX A**

**CODE CHANGE SUBMITTAL  
PROPOSED BY THE CALIFORNIA BUILDINGS  
STANDARDS COMMISSION**

**BSC 1/02 (Item 9 in monograph)**

CBSC is proposing building standards related to the 2002 National Electrical Code (NEC) published by the National Fire Protection Association (NFPA) that shall serve as a basis for the California Electrical Code

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\* The contact for SFM proposals SFM 2/02 and SFM 3/02 is Susan M. Botelho (with OSHPD).

(CEC), CCR, Title 24, Part 3, for state buildings, buildings constructed by the University of California and buildings constructed by the California State University.

## INFORMATIVE DIGEST AND POLICY STATEMENT OVERVIEW

### Summary of existing laws

H&SC Section 18934.5 authorizes CBSC to adopt building standards for state-owned buildings, where no state agency has that authority. This includes buildings constructed by the University of California, and buildings constructed by the California State University. Furthermore, H&SC Section 18928 requires CBSC to propose the adoption of the most recently published model codes within one year of its publication.

### Summary of existing regulations

Currently, CBSC adopts the 1999 NEC of the NFPA, un-amended. This serves as the basis for the 2001 California Electrical Code regulating occupancies that the Commission has the authority to regulate.

### Effect of this rulemaking

The broad objective of this proposed regulatory action is to make effective the most current electrical public safety standards. The Commission is proposing the adoption of the 2002 NEC, Chapters 1 through 9, to provide the basis of the 2004 CEC.

### Comparable Federal Statute or Regulations

There are no comparable federal regulations or statutes.

## FISCAL IMPACT

Cost or Savings to any state agency: Undetermined

Cost to any local agency: Undetermined

Cost to any school district: Undetermined

Other nondiscretionary cost or savings imposed on local agencies: Undetermined

Cost or savings in federal funding to the state: Undetermined

**Note:** Cost or savings to this proposed regulatory is undetermined as the adoption of the 2002 NEC is an update to minimum electrical safety standards of 1999 NEC, which currently serves as the minimum electrical safety standards for the 2001 CEC. The NEC provides a variety of optional methodologies for compliance. The method of compliance is the choice of the design professional.

### Cost Impact on Representative Private Person or Business

CBSC is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

### Initial Determination of Significant Effect on Housing Costs

CBSC has made an initial determination that this proposal would not have a significant effect on housing costs.

### Mandate on Local Agencies or School Districts

CBSC has determined that the proposed regulatory action would impose a mandate on local agencies or school districts; however, the mandate is imposed pursuant to the law, H&SC Section 18938. The imposed mandate does not require reimbursement pursuant to Part 7 (commencing with Section 175000 of Division 4) of the GC.

## ECONOMIC IMPACT

### Initial Determination of Significant Statewide Adverse Economic Impact on Businesses

CBSC has made an initial determination that the adoption of these regulations will not have a significant adverse economic impact on businesses, including the ability of California businesses to compete in other states. CBSC invites you to submit evidence, documents, testimony or other evidence to the contrary.

### Declaration of Evidence

No facts, evidence, documents, testimony or other evidence have been relied upon to support the initial determination of no effect.

### Assessment of the Effect of Regulations Upon Jobs and Business Expansion, Elimination or Creation

CBSC has assessed whether or not and to what extent this proposal will affect the following:

- The creation or elimination of jobs within the State of California

The affect on the creation or elimination of jobs within the State of California is undetermined as the adoption of the 2002 NEC is an update to minimum electrical safety standards of 1999 NEC, which currently serves as the minimum electrical safety standards for the 2001 CEC. The NEC provides a variety of optional methodologies for compliance. The method of compliance is the choice of the design professional.

- The creation of new businesses or the elimination of existing businesses within the State of California

The affect on the creation of new businesses or elimination of existing businesses within the State of California is undetermined as the adoption of the 2002 NEC is an update to minimum electrical safety standards of 1999 NEC, which currently serves as the minimum electrical safety standards for the 2001 CEC. NEC provides a variety of optional methodologies for compliance. The method of compliance is the choice of the design professional.

- The expansion of businesses currently doing business with the State of California

The affect on the expansion of businesses currently doing business with the State of California is undetermined as the adoption of the 2002 NEC is an update to minimum electrical safety standards of 1999 NEC, which currently serves as the minimum electrical safety standards for the 2001 CEC. NEC provides a variety of optional methodologies for compliance. The method of compliance is the choice of the design professional.

#### FINDING OF NECESSITY FOR THE PUBLIC'S HEALTH, SAFETY, OR WELFARE

The proposed action requires no additional reports by private businesses.

### APPENDIX B

#### CODE CHANGE SUBMITTAL PROPOSED BY THE DIVISION OF THE STATE ARCHITECT/ ACCESS COMPLIANCE SECTION

##### DSA/AC 2/02 (Item 7 in monograph)

DSA/AC is proposing changes to building standards in the CEC (CCR, Title 24, Part 3). These proposed regulations function for accessibility in 1) publicly-funded buildings, structures, sidewalks, curbs and related facilities where access for people with physical disabilities is required to areas designated in Part 3, 2) privately funded public accommodations and facilities where access for people with physical disabilities is required to areas designated in Part 3.

#### INFORMATIVE DIGEST AND POLICY STATEMENT OVERVIEW

##### Summary of Existing Laws

California law, GC Sections 4450 through 4458, ensures "access to public buildings by physically handicapped persons."

##### Cross References:

Access to public accommodations by physically handicapped persons; see H&SC Sections 19955 et seq.

Department of General Services, see GC Sections 14600 et seq.

Department of Rehabilitation, see Welfare and Institutions Code Sections 19000 et seq.

Injunctions to enjoin violations of this chapter see Civil Code Section 55.

Parking facilities for handicapped, state agencies, see GC Section 14679.

State architect: see GC Sections 14950 et seq.

State Buildings Standards Law: see H&SC Sections 18901 et seq.

California law, GC Section 4459, provides that DSA/AC develop amendments for building regulations and submit them to the CBSC for adoption to ensure that no accessibility requirements of Title 24 is enhanced or diminished except as necessary for (1) retaining existing state regulations that provide greater accessibility and features, or (2) meeting federal minimum accessibility standards of the federal Americans with Disabilities Act (ADA) of 1990 as adopted by the United States Department of Justice, the Uniform Federal Accessibility Standards, and the federal Architectural Barriers Act. GC Section 4459 also provides the Department of General Services use fees deposited in the Disability Access Account established in GC Section 4454 for the purposes identified in this chapter. The department shall include the cost of carrying out the responsibilities identified as part of the plan review costs in determining fees. The application and scope of accessibility regulations in Title 24 will not be less than the application and scope of accessibility requirements of the federal ADA of 1990 as adopted by the United States Department of Justice, the Uniform Federal Accessibility Standards, and the federal Architectural Barriers Act.

California law, GC Section 4460, ensures "detectable warning and directional surfaces" comply with the California Building Standards Code in order to ensure that those products are adequate to meet the safety and accessibility needs of the blind and visually impaired.

California law, GC Section 12955.1, provides that "discrimination" includes, but is not limited to, a failure to design and construct a covered multifamily dwelling in a manner that allows access to and use by disabled persons.

California law, H&SC Section 18949.1, provides that any responsibilities of the State Architect to adopt regulations relating to building standards are hereby transferred to the CBSC.

California law, H&SC Sections 19952 through 19954 ensures "access to places of public amusement and resort by physically handicapped persons."

California law, H&SC Sections 19955 through 19959 ensures "access to public accommodations by physically handicapped persons."

##### Cross References:

Access to public buildings by physically handicapped persons; see GC Sections 4450 et seq.



Injunctions of actual or potential violation of this part, see Civil Code Section 55.

Federal law, ADA Accessibility Guidelines for Buildings and Facilities, as published in the federal register, July 26, 1991.

Federal law, Federal Fair Housing Amendments Act of 1988.

#### Summary of Existing Regulations

Part 3, provides for regulations adopting electrical standards necessary to implement, interpret, or make specific the provisions of GC Sections 4450 and 12955 developed by DSA/AC for accessibility to state-owned and -leased buildings including schools, public buildings, public accommodations, commercial buildings, and publicly funded housing.

Existing provisions are the third part of the 2001 official triennial compilation and publication of the adoptions, amendments, and repeal of electrical regulations to the CCR, Title 24. Part 3 is known as the California Electrical Code and incorporates, by adoption, the 1999 NEC of NFPA with the California amendments.

DSA/AC existing regulations adopts the following existing electrical regulations known as the 2001 CEC:

- *Entire State Article 089 (Administration).*
- *Section 210-7(g)(Branch Circuits: Receptacles and Cord Connectors-Installation Heights),*
- *Entire NEC Article 346 (Rigid Metal Conduit),*
- *Section 380-8(c)(Switches: Accessibility and Grounding—Installation),*
- *Entire NEC Article 540 (Motion Picture Projectors), and*
- *Section 760.16 (Fire Protective Signaling Systems: Installation Height of Manual Stations).*

#### Summary of Effect

These electrical standards provide minimum standards to safeguard life or limb, health, property and public welfare, and to protect against hazards that may arise from the use of electricity by regulating and controlling the design construction, installation, quality of materials, location and operation of electrical equipment, wiring and systems.

The provisions of the electrical code and the electrical standards contained therein, including those standards adopted by reference without amendments, where specifically adopted by DSA/AC under our cited authority and enforced by the enforcing agency, apply to the construction, alteration, moving, demolition, repair and use of all electrical equipment, wiring and systems in or on any building or structure or outdoors on any premise or property.

In addition, these regulations would incorporate standards at least as restrictive as those required by the federal government for barrier-free design under (1) Title III (Public Accommodations and Commercial Facilities), Subpart D (New Construction and Alteration) and Appendix A (ADA Accessibility Guidelines)(see 28 C.F.R., Part 36), and (2) Title II (Public Entities), Section 35.151 (New Construction and Alterations)(see 28 C.F.R., Part 35) both from the ADA of 1990, and (3) under the Fair Housing Amendments of 1988. Some of these regulations may be more stringent than state law in order to meet the federal requirement.

DSA/AC proposes to readopt those provisions identified above in the “Summary of Existing Regulations” as well as adopting, amending, or repealing the following electrical provisions:

- **Article 89 Administration**—Adopt only those sections within Article 89 as listed: 89.1, 89.2, 89.3, 89.4, 89.5, 89.6, 89.6.1, 89.6.2, 89.7. The numbers of each section and all references to these numbers within each section have been reformatted to coincide with the change in the numbering format of the 2002 Edition of the NEC. Article 89 is an existing California amendment, which provides the purpose, scope, administrative authority, and application to local enforcement agencies. DSA/AC is proposing the amendments of various sections within Article 89 to maintain consistency between other administrative chapters within the CCR, Title 24.
- **CHAPTER 2—WIRING AND PROTECTION**  
**Article 210 Branch Circuits—Section 210-7(g):** Renumber and relocate with modifications the provisions for installation height of receptacles, cord connectors, and attachment plugs (caps) to section 406.3(G).
- **CHAPTER 3—WIRING METHODS AND MATERIALS**  
**Article 346 Rigid Metal Conduit** Delete DSA/AC adoption of the entire NEC Article 346 for Rigid Metal Conduit.  
**Article 380 Switches—Section 380-8(c):** Renumber and relocate with modifications the provisions for installation height of switches to section 404.8(C).
- **CHAPTER 4—EQUIPMENT**  
**Article 404 Switches and**  
**Article 406 Receptacles, Cord Connectors, and Attachment Plugs (Caps)—**  
 DSA/AC adopts a California amendment to NEC Article 404 for installation height of switches [404.8 (C)]. DSA/AC adopts a California amendment to NEC Article 406 for installation height of receptacles, cord connectors, and attachment plugs (caps)

[406.3(G)]. Non-substantive changes are made in both 404.8(C) and 406.8(G) to change ‘people with physical disabilities’ to ‘persons with disabilities’. Editorial corrections are made in both 404.8(C) and 406.8(G) to change reference of ‘Article 089-7’ to ‘Article 089.7’.

• **CHAPTER 5—SPECIAL OCCUPANCIES**

**Article 540 Motion Picture Projectors**—Delete DSA/AC adoption of the entire NEC Article 540 intended for motion picture projectors.

• **CHAPTER 7—SPECIAL CONDITIONS**

**Article 760 Fire Alarm Systems**

**Article 770 Optical Fiber Cables and Raceways**  
DSA/AC is proposing to adopt the entire NEC Articles 760 and 770 by reference with a California amendment to the title of Section 760.16. Amendment changes the title of ‘Installation Height of Manual Stations’ to read ‘Fire Alarm Manual Pull Stations’ to be consistent with the regulations in 760.16. The entire Articles 760 and 770 are adopted by reference in the CCR, Title 24, Part 2, Chapter 35, Section 3505.1. Amendment adopts a note, as a reminder, in articles 760 and 770, that the entire Article 800 is adopted by reference in the CCR, Title 24, Part 2, Chapter 35, Section 3505.1.

• **CHAPTER 8—COMMUNICATION SYSTEMS**

**Article 800 Communications Systems**—

DSA/AC is proposing to adopt the entire NEC Article 800 by reference with a California amendment to Article 800. Amendment adopts a note, as a reminder, in Article 800 that the entire Article 800 is adopted by reference in the CCR, Title 24, Part 2, Chapter 35, Section 3505.1.

Comparable Federal Statute or Regulations

The federal ADA of 1990 and the federal Fair Housing Amendments Act of 1988 are the only federal provisions DSA/AC is aware of which apply to accessibility. The ADA provides scope and technical requirements for accessible elements and spaces for controls and operating mechanisms in 4.27.3. Section 4.27.3 provides that the highest operable part of controls, dispensers, receptacles, and other operable equipment shall be placed within at least one of the reach ranges specified in 4.2.5 and 4.2.6. Electrical and communications system receptacles on walls shall be mounted no less than 15 in (380 mm) above the floor. These requirements do not apply where the use of special equipment dictates otherwise or where electrical and communications systems receptacles are not normally intended for use by building occupants.

The federal Fair Housing Amendments Act of 1988 provides in part, that, it unlawful to fail to design and construct covered multifamily dwellings so that: 1) public use and common use portions of the dwellings are readily accessible to and usable by persons with

handicaps; 2) all doors within such dwellings which are designed to allow passage into and within the premises are sufficiently wide to allow passage by persons in wheelchairs; and 3) all premises within such dwellings contain the following features of adaptive design: a) an accessible route into and through the dwelling; b) light switches, electrical outlets, c) thermostats, and other environmental controls in accessible locations, d) reinforcements in bathroom walls to allow later installation of grab bars; and e) usable kitchens and bathrooms such that an individual in a wheelchair can maneuver about the space.

Policy Statement Overview

Regulations are in place requiring electrical standard requirements for accessibility based on adoption of the 1999 NEC with necessary California amendments (2001 CEC). The CEC is published in its entirety every three years by order of the California legislature, with supplements published in intervening years. The California legislature delegated authority to various state agencies, boards, commissions, and departments to create electrical regulations to implement the state’s statutes. These electrical standards have the same force of law and take effect 180 days after their publication unless otherwise stipulated. The CEC applies to all occupancies throughout the State of California as annotated.

However, there is a need to update the code to be consistent with statutory provisions of law, the ADA, the federal Fair Housing Amendments Act of 1988 and the California Building Standards Law. CBSC has directed DSA/AC to propose amendments to the 2002 NEC, which would become part of CCR, Title 24, Part 3.

It is necessary to propose the adoption of amendments to some existing sections of the 2001 NEC, with language to incorporate state and federal laws and regulations to address unique California conditions. These proposed regulations function for accessibility in 1) publicly-funded buildings, structures, sidewalks, curbs and related facilities where access for people with physical disabilities is required to areas designated in Part 3, 2) Privately-funded public accommodations and facilities where access for people with physical disabilities is required to areas designated in Part 3.

**FISCAL IMPACT**

Cost or Savings to any state agency: Unknown

Cost to any local agency required to be reimbursed under Part 7(comm. with Section 17500) of Div. 4: Unknown

Cost to any school district required to be reimbursed under Part 7 (comm. with Section 17500) of Div. 4: Unknown

Other nondiscretionary cost or savings imposed on local agencies: Unknown

Cost or savings in federal funding to the state: Unknown

**Note:** These regulations are intended to provide electrical requirements for accessibility. Adoption is a mandate of California law, GC Section 4450. It is unknown what the costs/savings may be to state agencies, local agencies, school districts, federal funding to the state, or any nondiscretionary cost or savings imposed on local agencies.

#### Cost Impact on Representative Private Person or Business

DSA/AC is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

#### Initial Determination of Significant Effect on Housing Costs

DSA/AC has made an initial determination that this proposal may or may not have a significant effect on housing costs. It is unknown what the dollar cost per housing unit would be by the adoption of proposed changes based on the 2002 NEC into Part 3. These regulations are not intended to have a significant effect on housing costs. These regulations are intended to provide accessible electrical requirements in state-owned and -leased buildings including schools, public buildings, public accommodations, commercial buildings, and publicly funded housing.

#### Mandate on Local Agencies or School Districts

DSA/AC has determined that the proposed regulatory action would impose a mandate on local agencies or school districts.

Part 3, Article 089, Section 089-7(5)(c), mandates enforcement for these proposed regulations to the following:

- The Director of General Services, where state funds are utilized for any project, or where funds of counties, municipalities, or other political subdivisions, are utilized for the construction of elementary, secondary or community college projects.
- The governing bodies where funds of counties, municipalities or other political subdivisions are utilized except as otherwise provided above.

The building department of every city, county, or city and county within the territorial area of its city, county, or city and county, where private funds are utilized. "Building Department" means the department, bureau or officer charged with the enforcement

of laws or ordinances regulating the erection or construction, or both the erection and construction, of buildings.

#### ECONOMIC IMPACT

#### Initial Determination of Significant Statewide Adverse Economic Impact on Businesses

DSA/AC finds that provisions for adoption, amendment and/or repeal of these regulations may have a significant adverse impact on businesses. These regulations are intended to provide electrical requirements for accessibility to state-owned and -leased buildings, including schools, public buildings, public accommodations, commercial buildings and publicly funded housing.

#### A. Identification of the types of businesses that would be affected

It is unknown what number of businesses would be impacted. All businesses, which are state-owned and -leased buildings including schools, public buildings, public accommodations, commercial buildings, and publicly funded housing are obligated to provide accessibility. These regulations are intended to provide accessibility.

#### B. A description of the projected reporting, record keeping, and other compliance requirements that would result from the proposed action

H&SC Section 19958 provides that the building department of every city, county, or city and county shall enforce this proposed regulation, and mandate its compliance. "Building department" means the department, bureau, or officer charged with the enforcement of laws or ordinances regulating the erection or construction, or both the erection and construction, of buildings.

Compliance is also mandated by GC Section 4452, which provides that the responsibility for enforcement of this chapter, as follows:

- By the Director of the Department of General Services where state funds are utilized for any project or where funds of counties, municipalities, or other political subdivisions are utilized for the construction of (a) elementary, secondary, or community college projects; and
- By the governing bodies thereof where funds of counties, municipalities, or other political subdivisions are utilized except as otherwise provided in (a) above.

#### C. DSA/AC has made an initial determination that the adoption/amendment/repeal of this regulation may have a significant adverse economic impact on businesses, including the ability of California businesses to compete in other states. DSA/AC has not considered proposed alternatives that would



lessen any adverse impact on business and invites you to submit proposals. Submissions may include the following considerations:

- The establishments of differing compliance or reporting requirements or timetables, which take into account the resources available to businesses;
- Consolidation or simplification of compliance and reporting requirements for businesses;
- The use of performance standards rather than prescriptive standards; and
- Exemption or partial exemption from the regulatory requirements for businesses.

#### Assessment of Effect of Regulations Upon Jobs and Business Expansion, Elimination or Creation

DSA/AC has assessed whether or not and to what extent this proposal will affect the following:

- The creation or elimination of jobs within the State of California

It is unknown what number of jobs would be created or eliminated by the adoption of proposed changes based on the 2002 NEC into Part 3. These regulations are not intended to create or eliminate jobs. These regulations are intended to provide accessible electrical requirements in state-owned and -leased buildings including schools, public buildings, public accommodations, commercial buildings, and publicly funded housing.

- The creation of new businesses or the elimination of existing businesses within the State of California

It is unknown what number of new or existing businesses would be created or eliminated by the adoption of proposed changes based on the 2002 NEC into Part 3. These regulations are not intended to create or eliminate businesses. These regulations are intended to provide accessible electrical requirements in state-owned and -leased buildings including schools, public buildings, public accommodations, commercial buildings, and publicly funded housing.

- The expansion of businesses currently doing business with the State of California

It is unknown what number of businesses would be expanded by the adoption of proposed changes, which are based on the 2002 NEC, into Part 3. These regulations are not intended to expand businesses. These regulations are intended to provide accessible electrical requirements in state-owned and -leased buildings including schools, public buildings, public accommodations, commercial buildings, and publicly funded housing.

#### **FINDING OF NECESSITY FOR THE PUBLIC'S HEALTH, SAFETY, OR WELFARE**

GC Section 4450 states in part: "It is the purpose of this chapter to ensure that all buildings, structures, sidewalks, curbs, and related facilities, constructed in this state by the use of state, county, or municipal funds, or the funds of any political subdivision of the state shall be accessible to and usable by persons with disabilities. The State Architect shall develop and submit proposed building standards to CBSC for approval and adoption pursuant to H&SC, Division 13, Part 2.5, Chapter 4 (commencing with H&SC Section 18935) and shall develop other regulations for making buildings, structures, sidewalks, curbs, and related facilities accessible to and usable by persons with disabilities."

#### **APPENDIX C**

##### **CODE CHANGE SUBMITTAL PROPOSED BY THE DIVISION OF THE STATE ARCHITECT/ STRUCTURAL SAFETY SECTION**

##### **DSA/SS 1/02 (Item 1 in monograph)**

DSA/SS is proposing to amend administrative building standards, in CCR, Title 24, Part 1, regarding the criteria for public school project exemption from DSA/SS approval, and for required structural rehabilitation of public school buildings.

##### **INFORMATIVE DIGEST AND POLICY STATEMENT OVERVIEW**

##### Summary of Existing Laws

Education Code sections 17310 and 81142 authorize the State Architect to establish administrative building standards for public elementary and secondary schools, and community colleges.

##### Summary of Existing Regulations

These regulations are contained in California Building Standards Administrative Code, Part 1, Chapter 4. Sections 4-301 through 4-355 are applicable to public elementary and secondary schools, and community colleges. These administrative building regulations prescribe required duties of the project owner, design professionals, building inspectors, materials test laboratories, contractors, and the code-enforcement agency (DSA-SS) for public elementary and secondary schools, and community colleges.

##### Summary of Effect

The proposed action is primarily editorial in nature, and only includes amendment of regulations to clarify the intent of Education Code statutes.

##### Comparable Federal Statute or Regulations

There are no comparable federal regulations or statutes.



Policy Statement Overview

The broad objective of the proposed action is to maintain administrative building regulations in conformance with current state law.

**FISCAL IMPACT**

Cost or Savings to any state agency: None

Cost to any local agency required to be reimbursed under Part 7 (comm. with Section 17500) of Division 4: None

Cost to any school district required to be reimbursed under Part 7 (comm. with Section 17500) of Division 4: None

Other nondiscretionary cost or savings imposed on local agencies: None

Cost or savings in federal funding to the state: None

Cost Impact on Representative Private Person or Business

DSA/SS is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

Initial Determination of Significant Effect on Housing Costs

DSA/SS has made an initial determination that this proposal would not have a significant effect on housing costs. The CBSC contact will make DSA/SS's evaluation of the effect of the proposed regulatory action on housing costs available upon request.

Mandate on Local Agencies or School Districts

DSA/SS has determined that the proposed regulatory action would not impose a mandate on local agencies or school districts.

**ECONOMIC IMPACT**

Initial Determination of No Significant Statewide Adverse Economic Impact on Businesses

DSA/SS has made an initial determination that the amendment of these regulations will not have a significant statewide adverse economic impact on businesses, including the ability of California businesses to compete with business in other states.

Declaration of Evidence:

No facts, evidence, documents, testimony or other evidence have been relied upon to support the initial determination of no effect.

Assessment of Effect of Regulations Upon Jobs and Business Expansion, Elimination or Creation

DSA/SS has assessed whether or not and to what extent this proposal will affect the following:

- The creation or elimination of jobs within the State of California  
DSA/SS has determined that the proposed action has no effect.
- The creation of new businesses or the elimination of existing businesses within the State of California  
DSA/SS has determined that this proposal has no effect.
- The expansion of businesses currently doing business with the State of California  
DSA/SS has determined that the proposed action has no effect.

**FINDING OF NECESSITY FOR THE PUBLIC'S HEALTH, SAFETY, OR WELFARE**

The proposed action does not require a report by any business or agency, so DSA/SS not made a finding of necessity for public's health, safety or welfare.

**DSA/SS 2/02 (Item 6 in monograph)**

DSA/SS is proposing to amend building standards regarding electrical systems design, construction and inspection contained in CCR, Title 24, Part 3. These building standards are applicable to public elementary schools, secondary schools and community colleges, and state-owned or state-leased essential services buildings.

**INFORMATIVE DIGEST AND POLICY STATEMENT OVERVIEW**

Summary of Existing Laws

H&SC Section 16023 authorizes the DSA/SS to establish building standards for state-owned or state-leased essential services buildings. Sections 17310 and 81142 of the Education Code authorize the State Architect to establish building standards for public elementary and secondary schools, and community colleges.

Summary of Existing Regulations

Building standards regarding building electrical systems design, construction and inspection for state-owned or state-leased essential services buildings and public elementary and secondary schools and community colleges are promulgated by DSA/SS. These regulations are contained in Part 3 (CEC, 2001 edition).

Summary of Effect

The proposed action will repeal the currently adopted model code (1999 NEC), published by NFPA, and will adopt the 2002 NEC, published by NFPA, for effectiveness as the 2004 CEC.

Comparable Federal Statute or Regulations

There are no comparable federal regulations or statutes.

**Policy Statement Overview**

The broad objective of the proposed action is to maintain building regulations in conformance with state law, which requires that state agencies propose for adoption the latest edition of model codes within one year of the date of model code publication.

**FISCAL IMPACT**

Cost or Savings to any state agency: None

Cost to any local agency required to be reimbursed under Part 7 (comm. with Section 17500) of Division 4: None

Cost to any school district required to be reimbursed under Part 7 (comm. with Section 17500) of Division 4: None

Other nondiscretionary cost or savings imposed on local agencies: None

Cost or savings in federal funding to the state: None

**Cost Impact on Representative Private Person or Business**

DSA/SS is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

**Initial Determination of Significant Effect on Housing Costs**

DSA/SS has made an initial determination that this proposal would not have a significant effect on housing costs. The CBSC contact will make DSA/SS's evaluation of the effect of the proposed regulatory action on housing costs available upon request.

**Mandate on Local Agencies or School Districts**

DSA/SS has determined that the proposed regulatory action would not impose a mandate on local agencies or school districts.

**ECONOMIC IMPACT****Initial Determination of No Significant Statewide Adverse Economic Impact on Businesses**

DSA/SS has made an initial determination that the amendment of these regulations will not have a significant statewide adverse economic impact on businesses, including the ability of California businesses to compete with business in other states.

**Declaration of Evidence**

No facts, evidence, documents, testimony or other evidence have been relied upon to support the initial determination of no effect.

**Assessment of Effect of Regulations Upon Jobs and Business Expansion, Elimination or Creation**

DSA/SS has assessed whether or not and to what extent this proposal will affect the following:

- The creation or elimination of jobs within the State of California  
DSA/SS has determined that the proposed action has no effect.
- The creation of new businesses or the elimination of existing businesses within the State of California  
DSA/SS has determined that this proposal has no effect.
- The expansion of businesses currently doing business with the State of California  
DSA/SS has determined that the proposed action has no effect.

**FINDING OF NECESSITY FOR THE PUBLIC'S HEALTH, SAFETY, OR WELFARE**

The proposed action does not require a report by any business or agency, so DSA/SS not made a finding of necessity for public's health, safety or welfare.

**DSA/SS 3/02 (Item 4 in monograph)**

DSA/SS is proposing to amend building standards, in the California Building Code (CBC)(CCR, Title 24, Part 2) regarding the analysis procedures for seismic design of public elementary schools, secondary schools, and community colleges, and state-owned or state-leased essential services buildings.

**INFORMATIVE DIGEST AND POLICY STATEMENT OVERVIEW****Summary of Existing Laws**

H&SC Section 16023 authorizes DSA/SS to establish building standards for state-owned or state-leased essential services buildings. Sections 17310 and 81142 of the Education Code authorize DSA/SS to establish building standards for public elementary and secondary schools, and community colleges.

**Summary of Existing Regulations**

Existing building standards which prescribe requirements for building design and construction of state-owned or state-leased essential services buildings, and public elementary schools, secondary schools and community colleges are promulgated by the DSA/SS. These regulations are contained in Part 2, Volumes 1, 2 and 3.

**Summary of Effect**

The proposed action would update the criteria used to select analysis procedures for the seismic design of irregular structures, and would update the requirements for seismic design of steel-frame structures.

**Comparable Federal Statute or Regulations**

There are no comparable federal regulations or statutes.

Policy Statement Overview

The broad objective of the proposed action is to maintain building regulations in conformance with current state law and nationally recognized structural design standards.

**FISCAL IMPACT**

Cost or Savings to any state agency: None

Cost to any local agency required to be reimbursed under Part 7 (comm. with Section 17500) of Division 4: None

Cost to any school district required to be reimbursed under Part 7 (comm. with Section 17500) of Division 4: None

Other nondiscretionary cost or savings imposed on local agencies: None

Cost or savings in federal funding to the state: None

Cost Impact on Representative Private Person or Business

DSA/SS is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

Initial Determination of Significant Effect on Housing Costs

DSA/SS has made an initial determination that this proposal would not have a significant effect on housing costs. The CBSC contact will make DSA/SS's evaluation of the effect of the proposed regulatory action on housing costs available upon request.

Mandate on Local Agencies or School Districts

DSA/SS has determined that the proposed regulatory action would not impose a mandate on local agencies or school districts.

**ECONOMIC IMPACT**

Initial Determination of No Significant Statewide Adverse Economic Impact on Businesses

DSA/SS has made an initial determination that the amendment of these regulations will not have a significant statewide adverse economic impact on businesses, including the ability of California businesses to compete with business in other states.

Declaration of Evidence

No facts, evidence, documents, testimony or other evidence have been relied upon to support the initial determination of no effect.

Assessment of Effect of Regulations Upon Jobs and Business Expansion, Elimination or Creation

DSA/SS has assessed whether or not and to what extent this proposal will affect the following:

- The creation or elimination of jobs within the State of California  
The Division of the State Architect has determined that the proposed action has no effect.
- The creation of new businesses or the elimination of existing businesses within the State of California  
The Division of the State Architect has determined that this proposal has no effect.
- The expansion of businesses currently doing business with the State of California  
The Division of the State Architect has determined that the proposed action has no effect.

**FINDING OF NECESSITY FOR THE PUBLIC'S HEALTH, SAFETY, OR WELFARE**

The proposed action does not require a report by any business or agency, so DSA/SS not made a finding of necessity for public's health, safety or welfare.

**APPENDIX D**

**CODE CHANGE SUBMITTAL PROPOSED BY THE DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT**

**HCD/AC 1/02** (Item 10 in monograph)

HCD is proposing building standards in the CEC (CCR, Title 24, Part 3) related to the 2002 NEC.

**INFORMATIVE DIGEST AND POLICY STATEMENT OVERVIEW**

Summary of Existing Laws

H&SC Section 17921 and GC Section 12955.1 require HCD to propose the adoption, amendment, or repeal of building standards by the CBSC.

H&SC Section 17922 requires that the building standards be essentially the same as the most recent editions of the uniform industry codes. CBSC is authorized to adopt these building standards under the authority granted by H&SC Section 18949.5.

H&SC Section 17922 states that in the absence of adoption by regulations, the most recent editions of the uniform codes referred to in this section shall be considered to be adopted one year after the date of publication of the uniform codes.

H&SC Section 17040 requires HCD to adopt building standards for employee housing for “. . . the protection of the public health, safety, and general welfare of employees and the public, governing the erection, construction, enlargement, conversion, alteration, repair, occupancy, use, sanitation, ventilation, and maintenance of all employee housing.”

H&SC Section 19990 requires HCD to adopt building standards for Factory-built Housing.

H&SC sections 18300 and 18670 require HCD to adopt building standards for mobilehome parks and special occupancy parks for electrical in parks, which the department determines are reasonably necessary for the protection of life and property and to carry out the purposes of the Mobilehome Park Act, and for toilets, showers, and laundry facilities in parks.

#### Summary of Existing Regulations

CCR, Title 24, Part 3, also known as the California Electrical Code, adopted by reference the 1999 NEC with California amendments.

#### Summary of Effect

HCD proposes to adopt by reference the 2002 edition of the NEC, with state amendments, into Part 3 for the following programs:

- a) State Housing Law: relative to residential occupancies, buildings or structures accessory thereto and as provided for through the federal Fair Housing Amendment Act's accessibility requirements, except where the application is for public use only.
- b) Employee Housing Act: relative to the use of electrical equipment and systems in or on any building or structure or outdoors on premises or property in accordance with H&SC Section 17040.
- c) Mobilehome Park or Special Occupancy Park: relative to the use of electrical equipment and systems in or on any permanent buildings, accessory building, and structures under the ownership and control of the park operator within the part in accordance with H&SC Sections 18300, 18630, and 18640.
- d) Factory-built Housing Law: relative to residential buildings, dwellings or portions thereof, or building component, or manufactured assembly in accordance with H&SC Section 19990.

#### Comparable Federal Statute or Regulations

These regulations are not mandated by federal law. These regulations are not identical to a previously adopted or amended federal regulation.

#### Policy Statement Overview

The proposed regulations will reenact or amend existing electrical standards and establish new electrical standards which will affect the residential occupancies, buildings or structures accessory thereto and as provided for through accessibility requirements as required by federal and state law; the use of electrical equipment and systems in or on any building or structure or outdoors on premises or property; the use of electrical equipment and systems in or on any park permanent buildings, accessory buildings or struc-

tures, residential buildings, dwellings or portions thereof, or building components, or manufactured assemblies.

#### FISCAL IMPACT

Cost or Savings to any state agency: None

Cost to any local agency required to be reimbursed under Part 7 (comm. with Section 17500) of Division 4: None

Cost to any school district required to be reimbursed under Part 7 (comm. with Section 17500) of Division 4: None

Other nondiscretionary cost or savings imposed on local agencies: None

Cost or savings in federal funding to the state: None

Estimate: None

#### Cost Impact on Representative Private Person or Business

HCD is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

#### Initial Determination of Significant Effect on Housing Costs

HCD has initially determined that this proposal would not have a significant effect on housing costs. CBSC's contact will make HCD's initial evaluation of the effect of the proposed regulatory action on housing costs available upon request. (Refer to *Economic Impact of the Proposed National Electrical Code Regulations on Private Persons and Businesses in the State of California* in the HCD/AC 1/02 rulemaking file.)

#### Mandate on Local Agencies or School Districts

HCD has determined that the proposed regulatory action would not impose a mandate on local agencies or school districts; therefore, does not mandate state reimbursement pursuant to GC, Division 4, Part 7 (commencing with Section 17500).

#### ECONOMIC IMPACT

#### Initial Determination of Significant Statewide Adverse Economic Impact on Businesses

HCD has made an initial determination that the proposed action will not have a significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete in other states. However, HCD has initially determined that a small business may be affected by these proposed regulations.



## Declaration of Evidence

Refer to *Economic Impact of the Proposed National Electrical Code Regulations on Private Persons and Businesses in the State of California* in the HCD/AC 1/02 rulemaking file.

## Assessment of Effect of Regulations Upon Jobs and Business Expansion, Elimination or Creation

HCD has initially assessed whether or not and to what extent this proposal will affect the following:

- The creation or elimination of jobs within the State of California  
These regulations will not affect the creation of or cause the elimination of jobs within the State of California.
- The creation of new businesses or the elimination of existing businesses within the State of California  
These regulations will not affect the creation of or the elimination of existing business within the State of California.
- The expansion of businesses currently doing business with the State of California  
These regulations will not affect the expansion of businesses currently doing business within the State of California.

(Refer to *Economic Impact of the Proposed National Electrical Code Regulations on Private Persons and Businesses in the State of California* in the HCD/AC 1/02 rulemaking file.)

## FINDING OF NECESSITY FOR THE PUBLIC'S HEALTH, SAFETY, OR WELFARE

HCD has made an assessment of the proposal and has determined that a report is not required.

## APPENDIX E

### CODE CHANGE SUBMITTAL PROPOSED BY THE OFFICE OF STATEWIDE HEALTH PLANNING AND DEVELOPMENT

#### OSHDP 1/02 (Item 13 in monograph)

OSHDP is proposing building standards related to water-heating equipment, vent pipe locations and number of plumbing fixtures in CCR, Title 24, Part 5.

### INFORMATIVE DIGEST AND POLICY STATEMENT OVERVIEW

#### Summary of Existing Laws

H&SC Section 1226 authorizes OSHPD to prescribe, in consultation with the Community Clinics Advisory Committee, minimum building standards for the physical plant of clinics, for adoption in the California Building Standards Code.

H&SC Section 1275 authorizes OSHPD to adopt and enforce building standards for the physical plant of health facilities including hospitals, skilled nursing facilities and correctional treatment centers.

H&SC Section 129790 authorizes OSHPD to propose building standards for correctional treatment centers in cooperation with the Department of Corrections, Board of Corrections and Department of Youth Authority.

H&SC Section 129850 authorizes OSHPD to propose building standards, as necessary, to effectively carry out the provisions of the Alfred E. Alquist Hospital Facilities Seismic Safety Act.

GC Section 11152.5 authorizes a state department to adopt regulations pursuant to the GC. Regulations that are building standards must be adopted pursuant to State Building Standards Law (commencing with H&SC Section 18901).

#### Summary of Existing Regulations

Section 612.2 states that two pieces of water-heating equipment are required to supply hot water for dishwashing and minimum patient services.

Section 906.2 provides minimum distances between vent pipe terminations and air intake openings.

Table 4-2 provides minimum number of plumbing fixtures required for various spaces within health care occupancies.

#### Summary of Effect

The proposed amendment to Section 612.2 will require a minimum of two independent storage tanks if storage tanks are provided separate from the water heaters.

The proposed amendment to Section 906.2 will require a minimum distance of 25 feet between the termination of vent pipes and air intake openings for health care facilities.

The proposed amendment to Table 4-2 will add entries for nursing service space: patient toilet and bath facilities and dialysis isolation room, intended to coordinate the requirements of Table 4-2 with the requirements of the California Building Code.

#### Comparable Federal Statute or Regulations

There are no comparable federal regulations that address the requirements of this proposal.

#### Policy Statement Overview

The intent of the proposed action is to make minor technical changes and coordinate with other portions of the California Building Standards Code and other national standards (1999 ASHRAE Application Handbook and American Institute of Architects Guidelines for the Design and Construction of Health Care Facilities). The proposed action will require separate hot water storage tanks (when provided) in addition to

separate water heaters, increase the minimum distance between air intakes and vent pipe terminations, and coordinate the plumbing fixture requirements in Table 4-2 with the California Building Code.

#### **FISCAL IMPACT**

Cost or savings to any state agency: Insignificant cost to state agencies as the proposals relate to new construction of state hospitals, Correctional Treatment Centers governed by the Department of Corrections and the California Youth Authority, and Department of Veteran's Affairs Health Care Facilities.

Cost to any local agency required to be reimbursed under Part 7(comm. with Section 17500) of Division 4: None

Cost to any school district required to be reimbursed under Part 7 (comm. with Section 17500) of Division 4: None

Other nondiscretionary cost or savings imposed on local agencies: None

Cost or savings in federal funding to the state: None

Estimate: The proposed action may result in very minor cost for the new construction of health facilities due to increasing the distance between vent pipe terminations and outside air intake openings.

#### **Cost Impact on Representative Private Person or Business**

It is possible that health facilities would see an extremely small increase in the cost of new construction due to increasing the distance between vent pipe terminations and outside air intake openings.

#### **Initial Determination of Significant Effect on Housing Costs**

OSHPD has made an initial determination that this proposal would not have a significant effect on housing costs.

#### **Mandate on Local Agencies or School Districts**

OSHPD has determined that the proposed regulatory action would not impose a mandate on local agencies or school districts.

#### **ECONOMIC IMPACT**

#### **Initial Determination of No Significant Statewide Adverse Economic Impact on Businesses**

OSHPD has made an initial determination that the amendment of this regulation will not have a significant statewide adverse economic impact on businesses, including the ability of California businesses to compete with business in other states.

#### **Declaration of Evidence**

The scope of the proposed modifications is minor, including technical clarifications and coordination changes. OSHPD has not relied on any facts, evidence,

documents, testimony, or other evidence to make its initial determination that there will be no significant statewide adverse economic impact on businesses.

#### **Assessment of the Effect of Regulations Upon Jobs and Business Expansion, Elimination or Creation**

OSHPD has assessed whether or not and to what extent this proposal will affect the following:

- The creation or elimination of jobs within the State of California

The proposed regulations will have no effect on the creation or elimination of jobs within the State of California.

- The creation of new businesses or the elimination of existing businesses within the State of California

The proposed regulations will have no effect on the creation or elimination of existing businesses within the State of California.

- The expansion of businesses currently doing business with the State of California

The proposed regulations will have no effect on the expansion of businesses currently doing business with the State of California.

#### **FINDING OF NECESSITY FOR THE PUBLIC'S HEALTH, SAFETY, OR WELFARE**

No report is required for this regulation; therefore identification of findings is not applicable to this proposal.

#### **OSHPD 2/02 (Item 12 in monograph)**

OSHPD is proposing building standards in CCR, Title 24, Part 4 related to various provisions related to health care facilities.

#### **INFORMATIVE DIGEST AND POLICY STATEMENT OVERVIEW**

#### **Summary of Existing Laws**

H&SC Section 1275 authorizes OSHPD to adopt and enforce building standards for the physical plant of health facilities including hospitals, skilled nursing facilities and correctional treatment centers.

H&SC Section 1226 authorizes OSHPD to prescribe, in consultation with the Community Clinics Advisory Committee, minimum building standards for the physical plant of clinics, for adoption in the California Building Standards Code.

H&SC Section 129790 authorizes OSHPD to propose building standards for correctional treatment centers in cooperation with the Department of Corrections, Board of Corrections and Department of Youth Authority.

H&SC Section 129850 authorizes OSHPD to propose building standards, as necessary to effectively carry out the provisions of the Alfred E. Alquist Hospital Facilities Seismic Safety Act.

GC Section 11152.5 authorizes a state department to adopt regulations pursuant to the GC. Regulations with are building standards, must be adopted pursuant to State Building Standards Law (commencing with H&SC Section 18901).

#### Summary of Existing Regulations

Section 203 provides definitions of terms. Currently there is no definition for the term "outside air."

Section 316.5 lists equipment requiring emergency power during periods of power outages.

Section 407.2.1 specifies that outdoor air intakes must be located a minimum of 18 inches above the roof level if installed through the roof.

Section 407.2.3 is a new section. The code does not currently address relief air discharge and the distance required to outside air intake.

Section 407.4.1 contains a typographical error, referring to "*changes* of airborne cross infection" instead of "*chances* of airborne cross infection."

Section 407.4.1.3 prohibits corridors from supplying or exhausting air from any room except small rooms, which are mechanically exhausted and open directly on the corridor.

Section 407.4.1.5 is a new section. Current code does not address the need for filtration of air transferred from one patient use area to another.

Section 407.4.1.6 is a new section. Current code does not address "short circuiting" of air supply and return or exhaust within a space.

Section 410 provides requirements for laboratories. The section currently requires that hoods in which infectious or highly radioactive materials are processed shall have an independent exhaust system.

Section 602.1 prohibits corridors required to be of fire resistive construction from conveying air to or from any room except small rooms, which are mechanically exhausted and open directly on the corridor.

Section 1131.1 is a new section. Current Section 1131.0 requires a minimum distance of 20 feet between plume discharge and any ventilation inlet to a building.

Table 4-A provides pressure relationships and minimum number of air changes for rooms and areas in health facilities.

#### Summary of Effect

In Section 203, this proposal would add a definition for "relief air," to distinguish between contaminated exhaust air and clean relief air.

In Section 316.5, this proposal would require emergency power for control components that are necessary for the normal operation of equipment that is required to be provided with emergency power.

In Section 407.2.1, this proposal clarifies that the section applies to air intakes that are installed above the roof, as well as those that are installed through the roof.

In Section 407.2.3, this proposal reduces the required separation between relief air discharge and outside air intake from 25 feet to 10 feet.

In Section 407.4.1, the proposal corrects a typographical error.

In Section 407.4.1.3, this proposal clarifies that the portion of the air flow needed to balance the air pressure for a room that is required to have a positive or negative air balance may be transferred from the corridor.

In Section 407.4.1.5, this proposal adds a requirement that air must be filtered before it is transferred from one patient room, exam room or treatment room to another similar room.

In Section 407.4.1.6, this proposal clarifies that supply air outlets must be located a sufficient distance from return and exhaust air inlets to prevent short-circuiting of the supply air into the space.

In Section 410, this proposal clarifies the requirement that laboratory hood duct systems may not be connected to the general building exhaust system. Editorial changes are made to the format of the section for clarity. An editorial change is made to the term "fume hood," changing it to "laboratory hood."

In Section 602.1, this proposal clarifies that the portion of the air flow needed to balance the air pressure for a room that is required to have a positive or negative air balance may be transferred from the corridor.

In Section 1131.1, this proposal coordinates the requirement of this section with Section 407.2.1, by requiring a minimum of 25 feet between plume discharge and any ventilation inlet.

Proposed changes to Table 4-A include increasing the ventilation requirements for emergency department waiting areas and patient rooms, quantifying the requirements for positive and negative air pressure balances, and requires exhaust airflow over toilet or bedpan washing facilities in Intensive Care Units which are not located in a separate toilet room.

#### Comparable Federal Statute or Regulations

There are no comparable federal regulations that address the requirements of this proposal.

#### Policy Statement Overview

The intent of the proposed action is to make minor technical and editorial changes, clarify existing code requirements and coordinate with other parts of Title 24, California Building Standards Code and other national standards.

**FISCAL IMPACT**

Cost or Savings to any state agency: Minor savings or costs to state agencies as the proposals relate to new construction of state hospitals, Correctional Treatment Centers governed by the Department of Corrections and the California Youth Authority, and Department of Veteran's Affairs Health Care Facilities.

Cost to any local agency required to be reimbursed under Part 7(comm. with Section 17500) of Division 4: None

Cost to any school district required to be reimbursed under Part 7 (comm. with Section 17500) of Division 4: None

Other nondiscretionary cost or savings imposed on local agencies: None

Cost or savings in federal funding to the state: None

Estimate: The proposed modifications may result in very minor costs or savings for the new construction of health facilities as identified above.

Cost Impact on Representative Private Person or Business

This proposal may result in minor increase or savings in the cost of new construction of health facilities.

Initial Determination of Significant Effect on Housing Costs

OSHPD has made an initial determination that this proposal would not have a significant effect on housing costs.

Mandate on Local Agencies or School Districts

OSHPD has determined that the proposed regulatory action would not impose a mandate on local agencies or school districts.

**ECONOMIC IMPACT**

Initial Determination of No Significant Statewide Adverse Economic Impact on Businesses

OSHPD has made an initial determination that the amendment of this regulation will not have a significant statewide adverse economic impact on businesses, including the ability of California businesses to compete with business in other states.

Declaration of Evidence

The scope of the proposed modifications is minor, including technical clarifications and coordination changes. OSHPD has not relied on any facts, evidence, documents, testimony, or other evidence to make its initial determination that there will be no significant statewide adverse economic impact on businesses.

Assessment of Effect of Regulations Upon Jobs and Business Expansion, Elimination or Creation

OSHPD has assessed whether or not and to what extent this proposal will affect the following:

- The creation or elimination of jobs within the State of California

The proposed regulations will have no effect on the creation or elimination of jobs within the State of California.

- The creation of new businesses or the elimination of existing businesses within the State of California

The proposed regulations will have no effect on the creation or elimination of existing businesses within the State of California.

- The expansion of businesses currently doing business with the State of California.

The proposed regulations will have no effect on the expansion of businesses currently doing business with the State of California.

**FINDING OF NECESSITY FOR THE PUBLIC'S HEALTH, SAFETY, OR WELFARE**

No report is required for this regulation; therefore identification of findings is not applicable to this proposal.

**OSHPD 3/02 (Item 5 in monograph)**

OSHPD is proposing amendments to building standards in CCR, Title 24, Part 2, Chapters 16A and 22A related to hospital and correctional treatment center construction.

**INFORMATIVE DIGEST AND POLICY STATEMENT OVERVIEW**

Summary of Existing Laws

H&SC Section 1275 authorizes OSHPD to adopt and enforce building standards for the physical plant of health facilities including hospitals, skilled nursing facilities and correctional treatment centers.

H&SC Section 129790 authorizes OSHPD to propose building standards for correctional treatment centers in cooperation with the Department of Corrections, Board of Corrections and Department of Youth Authority.

H&SC Section 129850 authorizes OSHPD to propose building standards, as necessary to effectively carry out the provisions of the Alfred E. Alquist Hospital Facilities Seismic Safety Act.

GC Section 11152.5 authorizes a state department to adopt regulations pursuant to the GC. Regulations with are building standards, must be adopted pursuant to State Building Standards Law (commencing with H&SC Section 18901).

Summary of Existing Regulations

OSHPD currently enforces the California Code of Regulations, Title 24, Part 2, 1998 California Building Code (CBC) with California amendments relating to requirements for health facilities.



### Summary of Effect

This proposal will amend provisions of the 2001 edition of the CBC regarding the requirements for the construction of hospitals and correctional treatment centers. The proposal includes modifications to the seismic design procedures for irregular buildings, editorial clarification to requirements for nonstructural components, and adoption of the current Supplement to the Seismic Provisions for Structural Steel Buildings published by the American Institute for Steel Construction. This proposed action is consistent with current statute.

### Comparable Federal Statute or Regulations

There are no comparable federal statutes or regulations that address the requirements of this proposal.

### Policy Statement Overview

OSHPD adopts Title 24, Part 2, CBC requirements for hospital, skilled nursing facility, licensed clinic and correctional treatment center construction. This proposal represents amendments to the structural provisions for hospital and correctional treatment center construction.

Requirements governing the structural design and construction of hospitals and correctional treatment centers are found in structural Chapters 16A through 23A of the 2001 CBC. These chapters are based on the structural provisions of the 1997 Uniform Building Code (UBC). Some advances in the structural engineering art, including design consideration structural irregularities, and advances in the design of structural steel buildings were not incorporated in the 1997 UBC structural provisions. The Office is proposing superceding portions of Chapters 16A and 22A of the 2001 CBC, and adoption of structural provisions for irregular structures and steel structures based upon the most current seismic design guidelines available, the NEHRP Recommended Provisions for Seismic Regulations for New Buildings and Other Structures, 2000 Edition, FEMA 368. for the design of hospital buildings.

Additionally, editorial and minor technical amendments must be made to various sections of the code for clarification and consistency within the CBC.

### **FISCAL IMPACT**

Cost or Savings to any state agency: Possible minor savings for new construction of state hospitals, veteran's hospitals and correctional treatment under the Department of Corrections and the Department of Youth Authority.

Cost to any local agency required to be reimbursed under Part 7(commencing with Section 17500) of Division 4: None

Cost to any school district required to be reimbursed under Part 7 (commencing with Section 17500) of Division 4: None

Other nondiscretionary cost or savings imposed on local agencies: None

Cost or savings in federal funding to the state: None

Estimate: The amount of savings is indeterminable at this time. The savings will depend on the number of new buildings constructed and if they are "irregular" buildings.

### Cost Impact on Representative Private Person or Business

OSHPD is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

### Initial Determination of Significant Effect on Housing Costs

OSHPD has made a determination that this proposal would not have a significant effect on housing costs.

### Mandate on Local Agencies or School Districts

OSHPD has determined that the proposed regulatory action would not impose a mandate on local agencies or school districts.

### **ECONOMIC IMPACT**

### Initial Determination of No Significant Statewide Adverse Economic Impact on Businesses

OSHPD has made an initial determination that the adoption/amendment/repeal of this regulation will not have a significant adverse economic impact on businesses, including the ability of California businesses to compete in other states.

### Declaration of Evidence

The scope of the proposed modifications is minor, including technical clarifications and coordination changes. OSHPD has not relied on any facts, evidence, documents, testimony, or other evidence to make its initial determination that there will be no significant statewide adverse economic impact on businesses.

### Assessment of Effect of Regulations Upon Jobs and Business Expansion, Elimination or Creation

OSHPD has assessed whether or not and to what extent this proposal will affect the following:

- The creation or elimination of jobs within the State of California  
These regulations will have no affect.
- The creation of new businesses or the elimination of existing businesses within the State of California  
These regulations will have no affect.

- The expansion of businesses currently doing business with the State of California  
These regulations will have no affect.

#### FINDING OF NECESSITY FOR THE PUBLIC'S HEALTH, SAFETY, OR WELFARE

A report applicable to businesses is not required by these regulations.

#### OSHPD 4/02 (Item 2 in monograph)

OSHPD is proposing building standards in CCR, Title 24, Part 1, related to revisions to clinic provisions and various minor editorial/technical amendments to existing regulations regarding health facility construction approval procedures.

#### INFORMATIVE DIGEST AND POLICY STATEMENT OVERVIEW

##### Summary of Existing Laws

H&SC Section 18929 mandates that building standards or administrative regulations that directly apply to the implementation or enforcement of building standards must be submitted by the state agency to the California Building Standards Commission for the Commission's approval. These regulations must be adopted pursuant to H&SC Section 18930 and the GC (commencing with 11346).

H&SC Sections 129675 through 130070 authorize OSHPD to provide plan review and construction observation for hospitals, skilled nursing facilities and intermediate care facilities in order to assure that these health facilities are compliant with the California Building Standards Code. Specifically, Section 129850 authorizes OSHPD to propose building standards, as necessary, in order to implement the requirements of the Alfred E. Alquist Hospital Facilities Seismic Safety Act.

H&SC Section 129885 mandates city and county responsibilities for plan review, building inspection, and certification of licensed clinics. Additionally, it authorizes OSHPD under specific circumstances to perform plan review for these health facilities.

##### Summary of Existing Regulations

Title 24, Part 1, Chapter 7 contains regulations for the review of health facility construction projects regulated by OSHPD. This proposed action affects four areas of these regulations:

- Section 7-125 and 7-129 provide requirements for obtaining written plan approval for health facility construction projects and the specific date by which construction must begin.
- Sections 7-135 and 7-141 contain requirements regarding the beginning of construction and administration of construction.

- Currently, Title 24 contains no reference to infection control requirements found in Title 22, although facilities must comply with these regulations before beginning construction projects.
- Sections 7-155 and 7-203 require affidavits to be filed with the Office: one for "test and inspection affidavits" and one for "certificates, affidavits or transcripts."
- Article 21 provides regulations for the plan review, certification and building inspection of licensed outpatient clinic facilities.

##### Summary of Effect

The proposed changes are intended to clarify existing regulations and make minor editorial and technical modifications, with no substantial changes to the regulations.

- This proposal clarifies the language related to obtaining plan approval, and specifies that construction must begin within one year after obtaining written approval of plans and specifications, instead of one year after plan approval, building permit and approval of the inspector of record.
- The term "inspector of record" is changed to "testing, inspection and observation program" to coordinate with revisions previously made to the regulations. "Testing program" is changed to "inspection program" to correct a typographical error.
- A reference to Title 22 is added to section 7-135, calling attention to the infection control requirements for construction projects found in Title 22, Section 70739 (b).
- The term "affidavit" is deleted from these sections, since its use is inappropriate in these instances.
- Several editorial changes and clarifications are made to the clinic regulations that are intended to reduce the confusion on the part of local building officials related to the application and enforcement of model code requirements and clinic provisions in providing plan review, certification and building inspection services for licensed clinic facilities.

##### Comparable Federal Statute or Regulations

There are no comparable federal statutes or regulations that address the requirements of this proposal.

##### Policy Statement Overview

Title 24, Part 1, Chapter 7 contains regulations for the review and construction of health facilities regulated by OSHPD. This proposed action addresses the following specific topics: obtaining health facility plan approval and the time allowed to begin construction, referencing Title 22 for infection control requirements for construction projects, deleting the term

“affidavit,” and clarifying the plan review, certification and building inspection regulations for licensed clinics. All the proposed changes are intended to clarify existing regulations and make minor editorial and technical modifications, with no substantial changes to the regulations.

#### **FISCAL IMPACT**

Cost or Savings to any state agency: None

Cost to any local agency required to be reimbursed under Part 7(commencing with Section 17500) of Division 4: None

Cost to any school district required to be reimbursed under Part 7 (commencing with Section 17500) of Division 4: None

Other nondiscretionary cost or savings imposed on local agencies: None

Cost or savings in federal funding to the state: None

Estimate: The proposed regulatory action is for editorial and clarification purposes, and will not result in a cost or savings.

#### Initial Determination of Significant Effect on Housing Costs

OSHPD has made an initial determination that this proposal would not have an effect on housing costs.

#### Cost Impact on Representative Private Person or Business

OSHPD is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

#### Mandate on Local Agencies or School Districts

OSHPD has determined that the proposed regulatory action would not impose a mandate on local agencies or school districts. Current statute imposes a mandate on local jurisdictions for the certification of licensed clinic facilities. The scope of this proposed action is editorial and clarification only, with no change to the mandate on the local building departments.

#### **ECONOMIC IMPACT**

#### Initial Determination of No Significant Statewide Adverse Economic Impact on Businesses

OSHPD has made an initial determination that the adoption/amendment/repeal of this regulation will not have a significant statewide adverse economic impact on businesses, including the ability of California businesses to compete with business in other states.

#### Declaration of Evidence

The scope of the proposed changes is to clarify existing regulations and make minor editorial modifications, with no substantial changes to the regulations, and therefore no economic impact. OSHPD has not

relied on any other facts, evidence, documents, testimony, or other evidence to make its initial determination of no statewide adverse economic impact on businesses.

#### Assessment of Effect of Regulations Upon Jobs and Business Expansion, Elimination or Creation

OSHPD has assessed whether or not and to what extent this proposal will affect the following:

##### A. The creation or elimination of jobs within the State of California

The proposed action would have no effect on the creation or elimination of jobs within the state of California.

##### B. The creation of new businesses or the elimination of existing businesses within the State of California

The proposed action would have no effect on the creation of new businesses or elimination of existing businesses within the state of California.

##### C. The expansion of businesses currently doing business with the State of California

The proposed action would have no effect on the expansion of businesses currently doing business with the state of California.

#### **FINDING OF NECESSITY FOR THE PUBLIC'S HEALTH, SAFETY, OR WELFARE**

Identification of findings is not applicable to this proposal.

#### **OSHPD 5/02** (Item 8 in monograph)

OSHPD is proposing building standards related to the triennial adoption of the 2002 NEC published by NFPA.

#### **INFORMATIVE DIGEST AND POLICY STATEMENT OVERVIEW**

#### Summary of Existing Laws

H&SC Section 1275 authorizes OSHPD to adopt and enforce building standards for the physical plant of health facilities including hospitals, skilled nursing facilities and correctional treatment centers.

H&SC Section 1226 authorizes OSHPD to prescribe, in consultation with the Community Clinics Advisory Committee, minimum building standards for the physical plant of clinics, for adoption in the California Building Standards Code.

H&SC Section 18928 authorizes state agencies to adopt the most recent edition of model code.

H&SC Section 129790 authorizes OSHPD to propose building standards for correctional treatment centers in cooperation with the Department of Corrections, Board of Corrections and Department of Youth Authority.

H&SC Section 129850 authorizes OSHPD to propose building standards, as necessary to effectively carry out the provisions of the Alfred E. Alquist Hospital Facilities Seismic Safety Act.

GC Section 11152.5 authorizes a state department to adopt regulations pursuant to the Government Code. Regulations that are building standards, must be adopted pursuant to State Building Standards Law (commencing with H&SC Section 18901).

#### Summary of Existing Regulations

OSHPD currently enforces the 1998 CEC (Title 24, Part 3) with California amendments relating to health facility construction.

#### Summary of Effect

This proposed action will adopt the 2002 NEC, which is to be incorporated by reference into the 2004 CEC, and will carry forward the existing California amendments relating to health facilities. This action is consistent with current statutory requirements.

#### Comparable Federal Statute or Regulations

There are no comparable federal regulations that address the requirements of this proposal.

#### Policy Statement Overview

The intent of the proposed action is to adopt the most recent edition of the model code, pursuant to statute, and to carry forward existing California amendments for hospitals, skilled nursing facilities, licensed clinics and correctional treatment centers. Additionally, editorial and minor technical modifications to existing requirements are being proposed for clarification and consistency within the code.

#### **FISCAL IMPACT**

Cost or Savings to any state agency: No

Cost to any local agency required to be reimbursed under Part 7(commencing with Section 17500) of Division 4: No

Cost to any school district required to be reimbursed under Part 7 (commencing with Section 17500) of Division 4: No

Other nondiscretionary cost or savings imposed on local agencies: No

Cost or savings in federal funding to the state: No

Estimate: Not applicable.

#### Cost Impact on Representative Private Person or Business

OSHPD is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

#### Initial Determination of Significant Effect on Housing Costs

OSHPD has made a determination that this proposal will not have a significant effect on housing costs.

#### Mandate on Local Agencies or School Districts

OSHPD has determined that the proposed regulatory action would not impose a mandate on local agencies or school districts.

#### **ECONOMIC IMPACT**

#### Initial Determination of No Significant Statewide Adverse Economic Impact on Businesses

OSHPD has made a determination that the adoption/amendment/repeal of this regulation will not have a significant statewide adverse economic impact on businesses, including the ability of California businesses to compete with business in other states.

#### Declaration of Evidence

This proposal represents the mandated triennial adoption of model code. This proposed adoption would not have an adverse economic impact on businesses.

#### Assessment of Effect of Regulations Upon Jobs and Business Expansion, Elimination or Creation

OSHPD has assessed whether or not and to what extent this proposal will affect the following:

- The creation or elimination of jobs within the State of California  
No affect
- The creation of new businesses or the elimination of existing businesses within the State of California  
No affect
- The expansion of businesses currently doing business with the State of California  
No affect

#### **FINDING OF NECESSITY FOR THE PUBLIC'S HEALTH, SAFETY, OR WELFARE**

(Any regulation that requires a report shall not apply to businesses, unless the agency makes a finding that it is necessary for the health, safety, or welfare of the public that the regulations apply to businesses.)

No report is required by the proposed regulations.

#### **APPENDIX F**

#### **CODE CHANGE SUBMITTAL PROPOSED BY THE OFFICE OF THE STATE FIRE MARSHAL SFM 1/02 (Item 11 in monograph)**

SFM is proposing to adopt, amend and bring forward existing California amendments from the 2001 CEC (CCR, Title 24, Part 3) into various articles of the 2002 NEC.



INFORMATIVE DIGEST AND POLICY  
STATEMENT OVERVIEW

Summary of Existing Laws

H&SC Section 18928 (a) requires each state agency adopting or proposing adoption of a model code, national standard, or specification shall reference the most recent edition of applicable model codes, national standards, or specifications.

H&SC Section 17921(b)—SFM shall adopt, amend, or repeal and submit building standards in all hotels, motels, lodging houses, apartment houses and dwellings, buildings, and accessory structures.

H&SC Section 18897.3—SFM shall adopt minimum fire safety regulations for organized camps.

H&SC Section 13108(a)—SFM shall prepare and adopt building standards relating to the means of egress, the installation of fire alarms and fire extinguishing systems in any state-owned building or in any state-occupied building.

H&SC Section 13211—SFM shall prepare and adopt building standards relating to fire and panic safety in high-rise structures.

H&SC Section 13113—An automatic sprinkler system shall be installed in all 24-hour institutional type occupancies, and homes for the care of aged or senile persons.

H&SC Section 13113.5—SFM shall adopt regulations requiring the installation of automatic smoke detectors in all facilities which provide 24-hour per day care, which house six or fewer persons, and which do not have automatic sprinkler systems.

H&SC Section 13114(a)—SFM shall adopt regulations and standards to control the quality and installation of fire alarm systems and fire alarm devices marketed, distributed, offered for sale, or sold in this state, and that no person shall market, distribute, offer for sale, or sell any fire alarm system or fire alarm device in this state unless the system or device has been approved and listed by SFM.

H&SC Section 13132.7—Mandates fire retardant roof coverings in fire hazard severity zones.

H&SC Section 13133(a) —SFM shall develop and adopt regulations establishing new occupancy classifications and specific fire safety standards appropriate for residential facilities, and residential care facilities for the elderly. These fire safety standards shall apply uniformly throughout the state.

H&SC Section 13135—SFM shall adopt regulations for alcoholism or drug abuse recovery or treatment facilities based on whether the residents or patients of the facilities are non-ambulatory.

H&SC Section 13143—SFM shall prepare and adopt regulations establishing minimum requirements for the prevention of fire and for the protection of life and property against fire and panic in any building or

structure used or intended for use as an asylum, jail, mental hospital, hospital, home for the elderly, children's nursery, children's home or institution, school, or any similar occupancy of any capacity, and in any assembly occupancy where 50 or more persons may gather.

H&SC Section 13143.1(a)—SFM shall prepare, adopt, and submit building standards for establishing minimum requirements for the prevention of fire and for the protection of life and property against fire and panic in any motion picture or television production facility.

H&SC Section 13143.6(a)—SFM shall prepare and adopt regulations establishing minimum standards for the prevention of fire and for the protection of life and property against fire in any building or structure used or intended for use as a home or institution for the housing of any person of any age for protective social care and supervision services by any governmental agency, certified family care homes, out-of-home placement facilities, and halfway houses.

H&SC Section 13143.9(a)—SFM shall prepare, adopt, and submit building standards and other fire and life safety regulations establishing minimum requirements for the storage, handling, and use of hazardous materials.

H&SC Section 13146—SFM shall have the authority to enforce building standards and other regulations.

GC Section 11152.5—Authorizes a state department to adopt regulations pursuant to the GC. Regulations, which are building standards, must be adopted pursuant to State Building Standards Law (commencing with H&SC Section 18901).

Summary of Existing Regulations

SFM currently adopts by reference the California Code of Regulations, Title 24, Part 3, 2001 CEC with SFM amendments relating to regulations that establish minimum requirements for the prevention of fire and for the protection of life and property against fire and in any building or structure used or intended for use as defined in each of the Health and Safety Code references shown above.

Summary of Effect

CBSC has recommended that the 2002 Edition of the NEC as published by NFPA to be used as the basis of the 2004 CEC. SFM is repealing their prior adoption by reference of the 1999 NEC. SFM is proposing to replicate existing SFM California amendments, some with further amendments, from the 2001 CEC to form the 2004 CEC.

Comparable Federal Statute or Regulations

SFM has determined that there are no comparable federal regulations or statutes addressing the proposed code changes.

Policy Statement Overview

The intent of this proposed action is to adopt by reference the most current edition of NEC and amend said document with existing 2001 SFM amendments. SFM further proposes to offer new amendments where necessary to ensure that the regulations of the CEC, establish and or maintain minimum requirements for the prevention of fire and for the protection of life and property against fire and in any building or structure used or intended for use as defined in each of the Health and Safety Code references shown above in the summary of existing laws.

**FISCAL IMPACT**

Cost or Savings to any state agency: No

Cost to any local agency required to be reimbursed under Part 7(commencing with Section 17500) of Division 4: No

Cost to any school district required to be reimbursed under Part 7 (commencing with Section 17500) of Division 4: No

Other nondiscretionary cost or savings imposed on local agencies: No

Cost or savings in federal funding to the state: No

Cost Impact on Representative Private Person or Business

SFM is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

Initial Determination of Significant Effect on Housing Costs

SFM has made an initial determination that this proposal may affect housing costs. SFM has not considered alternatives.

Mandate on Local Agencies or School Districts

SFM has determined that the proposed regulatory action would not impose a mandate on local agencies or school districts.

**ECONOMIC IMPACT**Initial Determination of No Significant Statewide Adverse Economic Impact on Businesses

The initial determination of SFM is that the proposed regulatory action will not have a significant, statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states.

Declaration of Evidence

SFM has not relied on any facts, evidence, documents, testimony, or other evidence to make its initial determination of no statewide adverse economic impact on businesses.

Assessment of Effect of Regulations Upon Jobs and Business Expansion, Elimination or Creation

SFM has assessed that adoption of these regulations will not:

- Create or eliminate jobs within California
- Create new businesses or eliminate existing businesses within California
- Affect the expansion of businesses currently doing business within California

**FINDING OF NECESSITY FOR THE PUBLIC'S HEALTH, SAFETY, OR WELFARE**

SFM has made an assessment of the proposed code changes and has determined that these changes do not require a report.

**SFM 2/02 (Item 14 in monograph)**

SFM is proposing building standards related to Group I Occupancy fire alarm system requirements in the California Fire Code (CFC)(CCR, Title 24, Part 9).

**INFORMATIVE DIGEST AND POLICY STATEMENT OVERVIEW**Summary of Existing Laws

H&SC Section 13143(a) authorizes SFM to prepare, adopt, and submit building standards for the prevention of fire and for the protection of life and property against fire and panic in any building or structure used or intended for use as an asylum, mental hospital, hospital, sanitarium, home for the aged or institution not otherwise excluded from the coverage of this subdivision. This subdivision further authorizes the State Fire Marshal to adopt and submit building standards relating to fire and panic safety and the installation and maintenance of fire alarm systems.

Summary of Existing Regulations

2001 CFC, Article 10, Section 1006.3.7.1.1:

Current regulations in Article 10 of the CFC require a fire alarm system to activate an alarm throughout the building in a Group I, Division 1.1, 1.2 or 2 Occupancy regardless of the size of the building, the number of floors or the presence of fire separations or smoke barriers subdividing the building.

2001 CFC, Article 10, Section 1006.3.3.3.1:

Current general provisions in Article 10 of the CFC permit a single station type smoke detector to be located in a patient sleeping room in a Group I, Division 1.1 or 2 Occupancy. Current specific provisions in Article 10 of the CFC regulating Group I, Division 1.1 and 2 Occupancies require that system type smoke detectors located in patient sleeping rooms activate the building fire alarm system.

Summary of Effect

2001 CFC, Article 10, Section 1006.3.7.1.1:

The proposed regulations will allow the activation of fire alarm notification devices concurrent with building separations such as floors, firewalls and smoke barriers. Greater flexibility in the zoning of fire alarm systems will be possible.

2001 CFC, Article 10, Section 1006.3.3.3.1:

The proposed regulations will eliminate a conflicting specific Group I fire alarm requirement from the general fire alarm provisions of the Uniform Fire Code. The confusion resulting from conflicting code provisions will be eliminated.

Comparable Federal Statute or Regulations

There are no comparable federal statutes or regulations similar to the existing State of California amendment.

Policy Statement Overview

The proposed actions will allow fire alarm systems in Group I, Division 1.1, 1.2 and 2 Occupancies to be zoned, concurrent with designated building separations, allowing greater flexibility and less disruption of facility's operations. The proposed actions will also eliminate a conflict between a general fire alarm system provision of model code language and an existing specific California fire alarm system amendment thus eliminating confusing code provisions that are in disagreement.

**FISCAL IMPACT**

Cost or Savings to any state agency: None

Cost to any local agency required to be reimbursed under Part 7(commencing with Section 17500) of Division 4: None

Cost to any school district required to be reimbursed under Part 7 (commencing with Section 17500) of Division 4: None

Other nondiscretionary cost or savings imposed on local agencies: None

Cost or savings in federal funding to the state: None  
Estimate: None

Cost Impact on Representative Private Person or Business

SFM is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

Initial Determination of Significant Effect on Housing Costs

SFM has made an initial determination that this proposal would not have a significant effect on housing costs.

Mandate on Local Agencies or School Districts

SFM has determined that the proposed regulatory action would not impose a mandate on local agencies or school districts.

**ECONOMIC IMPACT**

Initial Determination of No Significant Statewide Adverse Economic Impact on Businesses

SFM has made an initial determination that the proposed amendments to the CFC will not have a significant statewide adverse economic impact on businesses, including the ability of California businesses to compete with business in other states.

Declaration of Evidence

SFM has not relied on any facts, evidence, documents, testimony, or other evidence to make its initial determination of no statewide adverse economic impact on businesses.

Assessment of Effect of Regulations Upon Jobs and Business Expansion, Elimination or Creation

SFM has assessed whether or not and to what extent this proposal will affect the following:

- The creation or elimination of jobs within the State of California  
These regulations will not effect the creation of or cause the elimination of jobs within the State of California.
- The creation of new businesses or the elimination of existing businesses within the State of California  
These regulations will not effect the creation of or the elimination of existing business within the State of California.
- The expansion of businesses currently doing business with the State of California  
These regulations will not affect the expansion of business currently doing business within the State of California.

**FINDING OF NECESSITY FOR THE PUBLIC'S HEALTH, SAFETY, OR WELFARE**

The SFM has determined that this proposed amendment would not require a report; therefore, a finding is not necessary for the health, safety, or welfare of the people of the state that the regulation is applicable to businesses.

**CONTACT PERSON FOR SUBSTANTIVE AND/OR TECHNICAL QUESTIONS REGARDING THESE SPECIFIC PROPOSED CHANGES**

OSHPD Susan M. Botelho  
(916) 654-2012 or  
(916) 654-3372  
(916) 653-0747 FAX  
regsunit@oshpd.state.ca.us

**SFM 3/02** (Item 3 in monograph)

SFM is proposing building standards related to Group I Occupancy means of egress requirements in the CBC (CCR, Title 24, Part 2).

**INFORMATIVE DIGEST AND POLICY  
STATEMENT OVERVIEW**

Summary of Existing Laws

H&SC Section 13143(a) authorizes SFM to prepare, adopt, and submit building standards for the prevention of fire and for the protection of life and property against fire and panic in any building or structure used or intended for use as an asylum, mental hospital, hospital, sanitarium, home for the aged or institution not otherwise excluded from the coverage of this subdivision. This subdivision further authorizes SFM to adopt and submit building standards relating to fire and panic safety, the means of egress and adequacy of exits.

Summary of Existing Regulations

Current regulations of Chapter 10 of the CBC allow for the omission of door closers on patient sleeping rooms and treatment rooms if these rooms are located in fully sprinklered buildings. Treatment rooms were added to this section at the same time that Chapter 10 was completely revised with the publication of the 1997 edition of the UBC, which is currently the basis of the 2001 CBC.

An existing State of California amendment prohibits patient sleeping room doors from opening into the required clear width of corridors.

Summary of Effect

The proposed change will prohibit patient treatment room doors, as well as patient sleeping room doors, from swinging into the required width of corridors. This will update the California amendment to coordinate with the revised model code provision.

Comparable Federal Statute or Regulations

There are no comparable federal statutes or regulations similar to the existing State of California amendment.

Policy Statement Overview

The proposed actions will prohibit patient treatment room doors, in addition to patient sleeping room doors, from opening into the required corridor width in Group I, Divisions 1.1 and 1.2 Occupancies. A change to model code language now allows door closers to be omitted from patient treatment room doors. Prior to the 1997 edition of the Uniform Building Code, door closers were required on patient treatment room doors.

**FISCAL IMPACT**

Cost or Savings to any state agency: None

Cost to any local agency required to be reimbursed under Part 7(commencing with Section 17500) of Division 4: None

Cost to any school district required to be reimbursed under Part 7 (commencing with Section 17500) of Division 4: None

Other nondiscretionary cost or savings imposed on local agencies: None

Cost or savings in federal funding to the state: None

Estimate: The proposed action will not result in a cost or savings.

Cost Impact on Representative Private Person or Business

SFM is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

Initial Determination of Significant Effect on Housing Costs

SFM has made an initial determination that this proposal would not have an effect on housing costs.

Mandate on Local Agencies or School Districts

SFM has determined that the proposed regulatory action would not impose a mandate on local agencies or school districts.

**ECONOMIC IMPACT**

Initial Determination of No Significant Statewide Adverse Economic Impact on Businesses

SFM has made an initial determination that this proposed amendment to the CBC would not have a significant statewide adverse economic impact on businesses, including the ability of California businesses to compete with business in other states.

Declaration of Evidence

SFM has not relied on any facts, evidence, documents, testimony, or other evidence to make its initial determination of no statewide adverse economic impact on businesses.

Assessment of Effect of Regulations Upon Jobs and Business Expansion, Elimination or Creation

SFM has assessed whether or not and to what extent this proposal will affect the following:

- The creation or elimination of jobs within the State of California  
These regulations will have no effect on the creation or elimination of jobs within the State of California.
- The creation of new businesses or the elimination of existing businesses within the State of California



These regulations will have no effect on the creation of new businesses or the elimination of existing business within the State of California.

- The expansion of businesses currently doing business with the State of California

These regulations will have no effect on the expansion of businesses currently doing business with the State of California.

#### **FINDING OF NECESSITY FOR THE PUBLIC'S HEALTH, SAFETY, OR WELFARE**

SFM has determined that this proposed amendment would not require a report; therefore, a finding is not necessary for the health, safety, or welfare of the people of the state that the regulation is applicable to businesses.

#### **CONTACT PERSON FOR SUBSTANTIVE AND/OR TECHNICAL QUESTIONS REGARDING THESE SPECIFIC PROPOSED CHANGES**

OSHPD Susan M. Botelho  
(916) 654-2012 or  
(916) 654-3372  
(916) 653-0747 FAX  
regsunit@oshpd.state.ca.us

### **GENERAL PUBLIC INTEREST**

#### **AIR RESOURCES BOARD**

##### **NOTICE OF POSTPONEMENT**

#### **NOTICE OF PUBLIC HEARING TO CONSIDER THE INCORPORATION OF FEDERAL EXHAUST EMISSION STANDARDS FOR 2008 AND LATER MODEL-YEAR HEAVY-DUTY GASOLINE ENGINES AND THE ADOPTION OF MINOR AMENDMENTS TO THE LOW-EMISSION VEHICLE REGULATIONS**

By Notice dated September 17, 2002, and published in the September 27, 2002, California Notice Register, Register 2002, No. 39-Z, the Air Resources Board (the Board or ARB) announced it would conduct a public hearing to consider incorporation of federal exhaust emission standards for 2008 and later model-year heavy-duty gasoline engines and minor administrative amendments to the exhaust emission regulations for light-, medium-, and heavy-duty vehicles and engines. The hearing was scheduled for November 14, 2002, at 9:00 a.m., at the California Environmental Protection Agency, Air Resources Board, 1001 "I" Street, Auditorium, Second Floor, Sacramento, California.

**PLEASE BE ADVISED** that the hearing has been postponed to the following date, time and place:

**DATE: December 12, 2002**

**TIME: 9:00 a.m.**

**PLACE: California Environmental Protection Agency  
Central Valley Auditorium, 2<sup>nd</sup> Floor  
1001 "I" Street  
Sacramento, CA 95814**

This item will be considered at a two-day meeting of the Board, which will commence at 9:00 a.m., December 12, 2002, and may continue at 8:30 a.m., December 13, 2002. This item may not be considered until December 13, 2002. Please consult the agenda for the meeting, which will be available at least 10 days before December 12, 2002, to determine the day on which this item will be considered.

This facility is accessible to persons with disabilities. If accommodation is needed, please contact the ARB's Clerk of the Board by November 27, 2002, at (916) 322-5594, or Telephone Device for the Deaf (TDD) (916) 324-9531 or (800) 700-8326 for TDD calls from outside the Sacramento area, to ensure accommodation.

#### **DEPARTMENT OF FISH AND GAME**

##### **CONSISTENCY DETERMINATION Fish and Game Code section 2080.1 CESA No. 2080-2002-021-06**

**PROJECT:** Landfarm Closure near Barstow ("Project")

**LOCATION:** North of Barstow, San Bernardino County

**REQUESTER:** Burlington Northern and Santa Fe Railway Company (BN&SF)

##### **BACKGROUND**

The Project proposes to remediate an area that was previously used as a landfarm for bioremediation of oily sludges generated by wastewater treatment facilities, primarily from the Barstow rail yard. Work would include grading the surface of the treated soil and placement of a soil cover consisting of 6 inches of clean soil over the treated soil. The farm is 14 acres. There is currently no sustainable desert tortoise (*Gopherus agassizii*) habitat on site and none will be impacted, but desert tortoise may need to be moved out of harm's way when tortoise fencing is installed. The desert tortoise is listed as threatened under both the California Endangered Species Act (CESA) and

under the Federal Endangered Species Act. On August 22, 1997, the U.S. Fish and Wildlife Service (Service) issued a programmatic biological opinion (No. 1-8-97-F-17) to the Bureau of Land Management setting forth measures to mitigate impacts to desert tortoise and its habitat from small construction projects affecting desert tortoise habitat. On September 23, 2002, the Director of the Department of Fish and Game (Department) received a notice from TRC, representing BN&SF, seeking a determination pursuant to section 2080.1 of the Fish and Game Code that the federal biological opinion is consistent with CESA for the landfarm closure project.

#### DETERMINATION

After reviewing the Project description and the above-referenced federal biological opinion, the Department has determined that Biological Opinion 1-8-97-F-17 is consistent with CESA for the specific purpose of carrying out the Project, because the project and mitigation measures do meet the requirements set forth in Fish and Game Code section 2081(b) and (c) for authorization of incidental take of species listed under CESA. This determination is based on the following considerations:

1. The mitigation measures proposed in the Biological Opinion will minimize the impacts to desert tortoise.
2. The project will not impact any desert tortoise habitat.
3. The project area will be fenced while work is being completed.

Pursuant to Section 2080.1 of the Fish and Game Code, with this determination, BN&SF will not need to obtain authorization pursuant to CESA for take of the desert tortoise in carrying out the project, provided the proposed project is constructed, operated, and maintained as it is described in the biological opinion. A new consistency determination or a CESA incidental take authorization must be obtained from the Department if the project, including mitigation or conservation requirements set forth in the biological opinion, is changed after issuance of that opinion by the Service. Additionally, this Determination is intended for purposes of the above described project only, and any other proposed projects that may be within the scope of the activities addressed in the biological opinion will require separate consistency determinations.

The Department will need to approve the Authorized Biologist, and a Memorandum of Understanding for Handling Desert Tortoises will be required.

## DEPARTMENT OF TOXIC SUBSTANCES CONTROL

### CALIFORNIA REGULATORY REGISTER NOTICE ACTION DESCRIPTION FOR A SMALL LOAD TRANSPORTATION VARIANCE ISSUED BY THE STATEWIDE COMPLIANCE DIVISION, TRANSPORTATION SECTION, FOR METALOR REFINING U.S.A.

On October 28, 2002, the Department of Toxic Substances Control (DTSC), granted a regulatory exemption variance to Metalor Refining U.S.A., a registered transporter of hazardous waste, to conduct small load transporter operations authorized under section 66263.46 of the California Code of Regulations, Title 22 (22 CCR). The variance permits the grantee to transport polishing sweep waste in amounts no greater than 100 kilograms per load and no greater than 1,000 kilograms per calendar month. In lieu of a manifest, the transporter shall use a shipping paper which contains all the information required pursuant to Title 49, Code of Federal Regulations, Part 172, Subpart C, and Section 66263.46(f), 22 CCR. The hazardous waste shall only be transported to an authorized facility.

**CEQA Exemption.** The project qualifies for a CEQA exemption under section 21080(b)(1) of the Public Resources Code, Ministerial Projects. This variance is issued pursuant to Chapter 13, Article 4, section 66263.40 et seq. (Regulatory Exemptions for Certain Transportation Operations), that allows for five specific types of transportation requirement exemptions. Applicants must meet preset regulatory standards. In applying these standards, DTSC only verifies specific facts regarding eligibility and may not add case-specific conditions.

The variance expires on November 30, 2003. For more information please call Maria Salomon of DTSC's Transportation Section at (916) 255-3624.

### CALIFORNIA REGULATORY REGISTER NOTICE ACTION DESCRIPTION FOR A SMALL LOAD TRANSPORTATION VARIANCE ISSUED BY THE STATEWIDE COMPLIANCE DIVISION, TRANSPORTATION SECTION, FOR UNIQUE PREMIUM METALS INCORPORATED

On October 28, 2002, the Department of Toxic Substances Control (DTSC), granted a regulatory exemption variance to Unique Premium Metals Incorporated, a registered transporter of hazardous waste, to conduct small load transporter operations authorized under section 66263.46 of the California Code of Regulations, Title 22 (22 CCR). The variance

permits the grantee to transport polishing sweep waste in amounts no greater than 100 kilograms per load and no greater than 1,000 kilograms per calendar month. In lieu of a manifest, the transporter shall use a shipping paper which contains all the information required pursuant to Title 49, Code of Federal Regulations, Part 172, Subpart C, and Section 66263.46(f), 22 CCR. The hazardous waste shall only be transported to an authorized facility.

**CEQA Exemption.** The project qualifies for a CEQA exemption under section 21080(b)(1) of the Public Resources Code, Ministerial Projects. This variance is issued pursuant to Chapter 13, Article 4, section 66263.40 et seq. (Regulatory Exemptions for Certain Transportation Operations), that allows for five specific types of transportation requirement exemptions. Applicants must meet preset regulatory standards. In applying these standards, DTSC only verifies specific facts regarding eligibility and may not add case-specific conditions.

The variance expires on November 30, 2003. For more information please call Maria Salomon of DTSC's Transportation Section at (916) 255-3624.

## FISH AND GAME COMMISSION

### NOTICE OF FINDINGS

NOTICE IS HEREBY GIVEN that, pursuant to the provisions of Section 2074.2 of the Fish and Game Code, the California Fish and Game Commission, at its October 23, 2002, meeting in Santa Barbara, accepted for consideration the petition submitted to list the Xantus's Murrelet (*Synthliboramphus hypoleucus*) as threatened. Pursuant to subsection (a)(2) of Section 2074.2 of the Fish and Game Code, the aforementioned species is hereby declared a candidate species as defined by Section 2068 of the Fish and Game Code.

Within one year of the date of publication of this notice of findings, the Department of Fish and Game shall submit a written report, pursuant to Section 2074.6 of the Fish and Game Code, indicating whether the petitioned action is warranted. Copies of the petition, as well as minutes of the October 23, 2002, Commission meeting, are on file and available for public review from Robert R. Treanor, Executive Director, Fish and Game Commission, 1416 Ninth Street, Box 944209, Sacramento, California 94244-2090, phone (916) 653-4899. Written comments or data related to the petitioned actions should be directed to the Commission at the aforementioned address.

## RULEMAKING PETITION DECISIONS

### DEPARTMENT OF CORRECTIONS

#### NOTICE OF DECISION ON PETITION TO AMEND REGULATIONS

##### California Code of Regulations Title 15, Crime Prevention and Corrections Division 3

#### PETITIONER

Michael Aaron, Jr; Vickie Aaron; Barbara Becnel (?); Lynn Beshears; Penny Blach; Barbara Bowman; Hasmig Boyajian; Duayne Bowman; Rose Branch; Deborah Cabrera; Cleo Camacho; Christine Carrasco; Leslie Coblenze; Jane Crew; Barbara Dobos; Paula Evans; Arthur Frechou, Jr; Sandy Ferla; Frances Foster; Eva Garcia; Glenn Gilliland; Victoria Harrington; A. Hughs (?); Pearl Jennings; Darrell Long; Rhoda Long; Sheryl Long; Karl Macrae; Oliver Manfredi; M. Pertaway (?); Harriet Pierce; Jamilla Ross; Chris Serrano; Fay Serrano; Kenneth Spedding; Madeline Taughinbaugh; Pauline Walker; Lanie Vannatter; S. Zelhen (?).

#### AUTHORITY

Under authority established in Penal Code (PC) § 5058, the Director may prescribe and amend regulations for the administration of prisons. PC § 5054 vests with the Director the supervision, management and control of the prisons, and the responsibility for the care, custody, treatment, training, discipline, or employment of persons confined therein.

#### CONTACT PERSON

Please direct any inquiries in writing regarding this action to Rick Grenz, Chief, Regulation and Policy Management Branch, Department of Corrections, PO Box 942883, Sacramento, CA 94283-0001, or by telephone at (916) 322-9702.

#### AVAILABILITY OF PETITION

The petition for adoption of the regulations is available upon request directed to the Department's contact person.

#### SUMMARY OF PETITION

Petitioner requests the Department of Corrections (CDC) "delete" and "rewrite" regulations contained in the California Code of Regulations (CCR), Title 15, Division 3, Subchapter 2, Article 7, § 3174(e)(2), which specifies that family visits will not be permitted for inmates who have been sentenced to life, designated Close A or Close B custody, condemned,



assigned to a reception center, assigned to an Administrative Segregation (AD SEG) or Security Housing (SHU) unit, designated "C" status, guilty of one or more Division A or B offenses within the last twelve months, or guilty of narcotics trafficking while incarcerated. As "rewritten," the regulation would stipulate that family visits for the described classes of inmates would be permitted on a "case-by-case" basis. Petitioner states that the regulation, as currently written, serves no reasonable penological interest and punishes several classes of inmates in direct conflict to the Department's stated recognition of the value of visiting as a method of maintaining family relationships.

#### DEPARTMENT DECISION

The Director of Corrections denies the petition to delete this existing regulation or amend the rule to provide any class of inmates described in § 3174(e) case-by-case consideration for family visiting privileges. Without new statute, case law, or changes in the policies of other public agencies which would compel the regulatory changes requested, CDC lacks the legal or discretionary authority to voluntarily make the changes requested. Moreover, a number of the named classes, and specifically those under close custody, assigned to AD SEG or SHU, designed C status, or guilty of certain offenses, already receive "case-by-case" reconsideration for family visiting once their status changes.

The rules at issue were promulgated in 1995 and have survived court challenges and prior Administrative Procedure Act petitions. In these challenges an appellate court upheld the penological basis of the rules: "The protection of the safety of the public—particularly those family members who would be visiting these inmates in an unsupervised setting—is a legitimate interest that state prison officials may consider when determining which inmates may participate in the family visiting program."

Regarding inmates condemned or sentenced to life, CDC does not establish such sentences and it has no ability to compel the Board of Prison Terms, a separate organizational entity of the Youth and Adult Corrections Agency, to establish parole dates. Nor can CDC be party to deletion of this rule in order to circumvent the Board's authority over the establishment of parole dates for specific inmates. As articulated by the Governor as recently as last year, expanding eligibility for unsupervised overnight visits would create a serious inconsistency in the current security practices enforced for life prisoners.

All of the remaining "classes of inmates" covered by this regulation are not necessarily denied family visiting opportunities on a permanent basis. Their eligibility for such visits depends on institutional

assignment, conduct, time frames, positive programming, rules violation clarifications and other such factors evaluated by classification committees on a case-by-case basis in accordance with other regulations contained in the Director's Rules. Therefore, these inmates already receive "case-by-case" consideration for restoration of family visiting privileges, if otherwise eligible.

Finally, the value of visiting as a means of maintaining family relationships has actually been reaffirmed recently with the revision of inmate visiting regulations, consistent with legislation chaptered in this session (AB 2133). The following language is CDC's preferred text: "The value of visiting is recognized and encouraged as a means for an inmate to establish and maintain meaningful family and community relationships." It is anticipated that this rule will be adopted by the end of this calendar year. CDC believes that the inmate exceptions to family visiting contained in § 3174(e) are legitimate and warranted as discussed above and do not represent a repudiation or inconsistency in policy as the petitioner suggests.

Therefore, for the reasons cited, and pending other action by the Governor, Legislature, or Courts the Department disagrees with the need for the regulatory change. Accordingly, the petition is denied.

## SUMMARY OF REGULATORY ACTIONS

### REGULATIONS FILED WITH SECRETARY OF STATE

This Summary of Regulatory Actions lists regulations filed with the Secretary of State on the dates indicated. Copies of the regulations may be obtained by contacting the agency or from the Secretary of State, Archives, 1020 O Street, Sacramento, CA, 95814, (916) 653-7715. Please have the agency name and the date filed (see below) when making a request.

#### DEPARTMENT OF FOOD AND AGRICULTURE Mexican Fruit Fly Interior Quarantine

This emergency action describes the boundaries of an area of quarantine centered in Monterey Park in Los Angeles County designed to prevent the spread of Mexican fruit flies through movement of the pest, its hosts, and possible carriers.

Title 3  
California Code of Regulations  
AMEND: 3417(b)



Filed 11/01/02  
 Effective 11/01/02  
 Agency Contact: Stephen Brown (916) 654-1017

**DEPARTMENT OF HEALTH SERVICES**  
**Environmental Laboratory Program (ELAP) Fees**

Section 100825 of the Health and Safety Code requires laboratories that perform environmental laboratory testing for regulatory agencies in California to obtain certification from the Department of Health Services. Section 100860 of the Health and Safety Code specified the fees that a laboratory must pay when applying for certification and annually thereafter. Section 100860 expired on January 1, 2002. Section 100860.1, which became effective on January 1, 2002, provides that fees sufficient to allow the program to be fully fee-supported shall be adopted by regulation. Provision 1 to Item 4260-001-0001 of the Budget Act for 2002-2003 (AB 425, Chapter 375, Stats. 2002) provides that the Department shall promulgate emergency regulations to adjust fees to a level that will cover at least 95% of the cost of a fee supported program. This emergency regulatory action establishes a schedule of fees for environmental laboratories that wish to be certified to perform environmental laboratory testing for regulatory agencies in California.

Title 22  
 California Code of Regulations  
 ADOPT: 64806  
 Filed 10/31/02  
 Effective 10/31/02  
 Agency Contact:  
 Charles E. Smith (916) 657-0730

**DEPARTMENT OF INSURANCE**  
**Accident Verification**

The proposed action would provide that a driver's declaration as to his or her at-fault accident history shall be sufficient proof for purpose of eligibility for a good driver discount in the absence of contrary information.

Title 10  
 California Code of Regulations  
 ADOPT: 2632.13  
 Filed 10/31/02  
 Effective 11/30/02  
 Agency Contact:  
 Michael Riordan (415) 538-4226

**DEPARTMENT OF INSURANCE**  
**Conflict of Interest Code**

This regulation adopts a conflict of interest code for the Department of Insurance's Conservation and Liquidation Office. The code has been approved by the Fair Political Practices Commission and is being

submitted to OAL for filing with the Secretary of State and printing in the California Code of Regulations only.

Title 10  
 California Code of Regulations  
 ADOPT: 2800  
 Filed 11/04/02  
 Effective 12/04/02  
 Agency Contact: Jack Hom (415) 538-4129

**DEPARTMENT OF MOTOR VEHICLES**  
**Business Partnership Automation (DPA) Program**

The readopted emergency regulations set standards and procedures for agreements between the Department of Motor Vehicles and different types of business partners participating in the BPA Program. Approved business partners will be authorized to transmit electronically vehicle registration and ownership data to the department's databases, providing an alternative to visiting a department field office for certain registration transactions. The regulations establish standards for payments, tracking and monitoring assignment of license plates and year of expiration stickers, and printing and self-issue of registration documents.

Title 13  
 California Code of Regulations  
 ADOPT: 225.00, 225.03, 225.06, 225.09, 225.12, 225.15, 225.18, 225.21, 225.24, 225.27, 226.30, 225.33, 225.36, 225.39, 225.41, 225.45, 225.48, 225.51, 225.54, 225.57, 225.60, 225.63, 225.66, 225.69, 225.72, and related forms  
 Filed 11/04/02  
 Effective 11/04/02  
 Agency Contact:  
 Christie Patrick (916) 657-5567

**EMPLOYMENT DEVELOPMENT DEPARTMENT**  
**Domestic Partners**

This emergency action amends the definition of "family" utilized in determining whether an employee has voluntarily left work due to "domestic circumstances" that reasonably would influence a person genuinely interested in retaining employment to leave that work, by recognizing a "registered domestic partner" as a person who may be a family member.

Title 22  
 California Code of Regulations  
 AMEND: 1256-9, 1253. 12-1, 1030(a)-1  
 Filed 11/05/02  
 Effective 11/05/02  
 Agency Contact: Laura Colozzi (916) 654-7712

**FAIR POLITICAL PRACTICES COMMISSION**  
**Payments for Communications**

The Fair Political Practices Commission is adopting section 18531.7 on payments for communications.

Title 2  
California Code of Regulations  
ADOPT: 18531.7  
Filed 10/31/02  
Effective 10/31/02  
Agency Contact: Scott Tocher (916) 322-5660

**OFFICE OF ADMINISTRATIVE LAW**  
**Conflict of Interest Code**

This is a Conflict of Interest Code filing that has been approved by the Fair Political Practices Commission and is being submitted for filing with the Secretary of State and printing in the California Code of Regulations. An editorial correction of the address for the Office of Administrative Law is also being made.

Title 2  
California Code of Regulations  
AMEND: 51000  
Filed 10/31/02  
Effective 11/30/02  
Agency Contact: John Smith (916) 323-8915

**STATE ALLOCATION BOARD**  
**Leroy F. Greene School Facilities Act of 1998—AB, Chapter 33**

This emergency regulatory action amends provisions of the School Facility Program by implementing AB16, Chapter 33, Statutes of 2002.

Title 2  
California Code of Regulations  
ADOPT: 1859.70.1, 1859.71.3, 1859.78.5, 1859.78.6, 1859.78.7, 1859.93.1, 1859.120, 1859.121, 1859.122, 1859.122.1, 1859.122.2, 1859.123, 1859.124, 1859.124.1, 1859.125, 1859.125.1, 1859.126, 1859.127, 1859.128, 1859.129, 1859.130, 1859.140, 1859.141, 1859  
Filed 11/04/02  
Effective 11/04/02  
Agency Contact: Lisa Jones (916) 322-1043

**STATE PERSONNEL BOARD**  
**Prison Industry Authority Demonstration Project**

This regulation concerns the Prison Industry Authority's Managerial and Supervisory Selection Demonstration Project. Such demonstration projects follow the procedures outlined in Government Code section 19602 and are exempt from the Administrative Procedure Act pursuant to Government Code section 19602(f). The action is being submitted for filing with the Secretary of State and printing in the California Code of Regulations only.

Title 2  
California Code of Regulations  
ADOPT: 549.95

Filed 11/04/02  
Effective 11/04/02  
Agency Contact: Steve Unger (916) 651-8461

**CCR CHANGES FILED WITH THE**  
**SECRETARY OF STATE**  
**WITHIN JULY 03, 2002**  
**TO NOVEMBER 06, 2002**

All regulatory actions filed by OAL during this period are listed below by California Code of Regulation's titles, then by date filed with the Secretary of State, with the Manual of Policies and Procedures changes adopted by the Department of Social Services listed last. For further information on a particular file, contact the person listed in the Summary of Regulatory Actions section of the Notice Register published on the first Friday more than nine days after the date filed.

**Title 1**

10/29/02 AMEND: 1, 100

**Title 2**

11/04/02 ADOPT: 1859.70.1, 1859.71.3, 1859.78.5, 1859.78.6, 1859.78.7, 1859.93.1, 1859.120, 1859.121, 1859.122, 1859.122.1, 1859.122.2, 1859.123, 1859.124, 1859.124.1, 1859.125, 1859.125.1, 1859.126, 1859.127, 1859.128, 1859.129, 1859.130, 1859.140, 1859.141, 1859

11/04/02 ADOPT: 549.95  
10/31/02 AMEND: 51000  
10/31/02 ADOPT: 18531.7  
10/24/02 ADOPT: 2351  
10/09/02 AMEND: 18539.2  
10/04/02 ADOPT: 18544  
10/04/02 AMEND: 1859.81, 1859.91  
09/16/02 AMEND: 1859.79, 1859.79.3, 1859.81.1, 1859.83, 1859.107  
09/12/02 AMEND: 18110, 18401, 18404.1, 18451, 18540, 18705.4, 18997  
09/09/02 AMEND: 1859.92, 1859.104, 1859.105, 1859.107  
08/19/02 ADOPT: 18535  
08/14/02 ADOPT: 56, 56.1, 56.2, 56.3, 56.4, 56.5, 56.6, 56.7, 56.8  
08/12/02 ADOPT: 1859.71.2, 1859.78.4, 1859.108  
AMEND: 1859.50, 1859.70, 1859.72, 1859.73.1, 1859.73.2, 1859.74.1, 1859.75.1, 1859.76, 1859.78.2, 1859.79.3, 1859.81, 1859.81.1, 1859.82, 1859.100, 1859.101, 1859.102, 1859.107  
08/12/02 ADOPT: 57.1, 57.2, 57.3, 57.4  
08/07/02 ADOPT: 59000  
07/31/02 ADOPT: 18450.1  
07/25/02 AMEND: 2970

07/11/02 AMEND: 554.6  
 07/11/02 ADOPT: 1859.200, 1859.201, 1859.202,  
 1859.203, 1859.204, 1859.205, 1859.206,  
 1859.207, 1859.208, 1859.209, 1859.210,  
 1859.211, 1859.212, 1859.213, 1859.214,  
 1859.215, 1859.216, 1859.217, 1859.218,  
 1859.219, 1859.220  
 07/11/02 AMEND: 18707.4

**Title 3**

11/01/02 AMEND: 3417(b)  
 10/28/02 AMEND: 3604(b)  
 10/24/02 AMEND: 1380.19, 1430.10, 1430.12,  
 1430.14, 1430.26, 1430.27, 1430.32,  
 1430.45, 1430.50, 1430.51 3658, 3659,  
 3660, 3661, 3662, 3663, 3663.5  
 10/09/02 AMEND: 1380.19(h), 1420.10, 1442.7  
 REPEAL: 1420.9, 1442.10  
 09/19/02 ADOPT: 6450, 6450.1, 6450.2, 6450.3,  
 6784 AMEND: 6000 REPEAL: 6450,  
 6450.1, 6450.2, 6450.3, 6784  
 09/10/02 AMEND: 3700(c)  
 09/09/02 AMEND: 6414  
 08/30/02 AMEND: 3423(b)  
 08/29/02 AMEND: 1408.3  
 08/19/02 ADOPT: 3664, 3665, 3666, 3667, 3668,  
 3669  
 08/14/02 AMEND: 6172, 6192, 6200, 6252  
 08/13/02 AMEND: 3423(b)  
 07/25/02 AMEND: 3423(b)  
 07/23/02 ADOPT: 7015  
 07/18/02 AMEND: 6000, 6710  
 07/11/02 AMEND: 3700(b)  
 07/03/02 AMEND: 1392.1, 1392.2, 1392.4,  
 1392.9.1

**Title 4**

10/15/02 ADOPT: 1867  
 10/07/02 ADOPT: 12300, 12301, 12302, 12303,  
 12304, 12305, 12306, 12307, 12308  
 09/12/02 ADOPT: 8110, 8111, 8112, 8113, 8114,  
 8115, 8116, 8117, 8118, 8119, 8120,  
 8121, 8122, 8123, 8124, 8125  
 09/03/02 AMEND: 1107  
 08/15/02 ADOPT: 4144  
 08/13/02 AMEND: 7000, 7001, 7002, 7003,  
 7003.5, 7004, 7005, 7006, 7007, 7008,  
 7009, 7010, 7011, 7012, 7013, 7013.1,  
 7013.5, 7014, 7015, 7016, 7017  
 08/08/02 AMEND: 8072, 8074  
 07/30/02 AMEND: 2050  
 07/08/02 AMEND: 2049

**Title 5**

10/21/02 AMEND: 18301  
 10/17/02 ADOPT: 80434 AMEND: 80001  
 08/15/02 ADOPT: 11980, 11981, 11982, 11983,  
 11984, 11985,

08/13/02 ADOPT: 11969.10 REPEAL: 11969.9  
 07/31/02 AMEND: 30950, 30951.1, 30952, 30953,  
 30954, 30955, 30956, 30957, 30958,  
 30959  
 07/30/02 ADOPT: 11969.1, 11969.2, 11969.3,  
 11969.4, 11969.5, 11969.6, 11969.7,  
 11969.8, 11969.9  
 07/29/02 AMEND: 3051.16, 3065  
 07/15/02 AMEND: 80105, 80109, 80110, 80111,  
 80112, 80113, 80114, 80115  
 07/12/02 AMEND: 51010, 53000, 53001, 53002,  
 53003, 53004, 53005, 53006, 53020,  
 53021, 53022, 53023, 53024, 53025,  
 53026, 53027, 53030, 53033, 53034

**Title 8**

10/01/02 AMEND: 3457(b)  
 09/25/02 AMEND: 451, 527  
 09/19/02 AMEND: 14004, 14005  
 09/12/02 AMEND: 1671.2  
 09/09/02 ADOPT: 13635.1, 13655, 13656, 13657,  
 13658, 13659 AMEND: 13630, 13631,  
 13632, 13633, 13634, 13635,  
 13637, 13638, 13639, 13640, 13641,  
 13642, 13643, 13644, 13645,  
 13646, 13647, 13648, 13649, 13650,  
 13651, 13652, 13653, 13654  
 09/03/02 ADOPT: 20299  
 08/26/02 ADOPT: 340.40, 340.41, 340.42, 340.43,  
 340.44, 340.45, 340.46, 340.47, 340.48,  
 340.49, 340.50, 340.51, 340.52  
 08/05/02 AMEND: 3362  
 07/31/02 AMEND: 4799  
 07/30/02 ADOPT: 290.0, 290.1, 291.0, 291.1,  
 291.2, 291.3, 291.4, 291.5, 292.0, 293.0,  
 294.0, 295.0  
 07/11/02 AMEND: 3241(a)

**Title 9**

07/31/02 ADOPT: 9851, 9874 AMEND: 9800,  
 9846, 9852, 9854, 9856, 9858, 9867,  
 9876, 9884, 9886 REPEAL: 9857

**Title 10**

11/04/02 ADOPT: 2800  
 10/31/02 ADOPT: 2632.13  
 10/16/02 ADOPT: 2660 AMEND: 2646.2, 2648.4,  
 2651.1, 2652.5, 2655.1, 2655.5, 2655.6,  
 2655.10, 2656.1, 2656.2, 2656.3, 2656.4,  
 2657.2, 2658.1, 2659.1, 2661.3, 2697.3  
 09/25/02 AMEND: 250.9.1(a), 250.12(a), 250.51,  
 350.60(a), 260.001, 260.100.1,  
 260.100.3, 260.102.4(b), 260.102.8(b),  
 260.102.16, 260.103, 260.105.28,  
 260.105.33, 260.111, 260.112, 260.113,  
 260.121, 260.131, 260.140.71.2,  
 260.140.87(e), 260.140.110.2, 260.140.11  
 09/25/02 ADOPT: 2698.90, 2698.91

09/19/02 AMEND: 2851, 2851.1  
 08/30/02 AMEND: 5101  
 08/29/02 AMEND: 2698.200, 2698.201, 2698.301, 2698.302  
 08/28/02 ADOPT: 2278, 2278, 2278.1, 2278.2, 2278.3, 2278.4, 2278.5  
 08/28/02 AMEND: 2698.73  
 08/27/02 AMEND: 2632.5(d)(11)  
 08/20/02 ADOPT: 1729, 1741.5, 1950.302  
 AMEND: 1741.5  
 08/19/02 AMEND: 2130.3  
 08/15/02 ADOPT: 5480, 5480.1, 5480.2, 5480.3, 5480.4, 5480.5, 5480.6, 5480.7, 5480.8  
 08/12/02 AMEND: 2318.6, 2353.1  
 08/12/02 AMEND: 2318.6  
 08/05/02 REPEAL: 310.100.1  
 07/10/02 ADOPT: 1422, 1423

**Title 11**

10/10/02 ADOPT: 435, 436, 437, 438, 439, 440, 441, 442, 443, 444 445, 446, 447, 448, 449, 450, 451, 452, 453, 454, 455, 456, 457, 458, 459, 460, 461, 462, 463, 464, 465, 466, 467, 468, 469, 470, 471, 472, 473, 474, 475, 476, 477, 478, 479, 480, 481, 482, 483, 48  
 10/07/02 ADOPT: 1012 AMEND: 1001, 1004, 1005, PAM D-13 REPEAL: former 1005  
 09/18/02 ADOPT: 61.8  
 08/29/02 AMEND: 3000, 3001, 3003, 3007 , 3008  
 08/27/02 AMEND: 1070, 1082  
 08/13/02 AMEND: 1005

**Title 13**

11/04/02 ADOPT: 225.00, 225.03, 225.06, 225.09, 225.12, 225.15, 225.18, 225.21, 225.24, 225.27, 226.30, 225.33, 225.36 225.39, 225.41, 225.45, 225.48, 225.51, 225.54, 225.57, 225.60, 225.63, 225.66, 225.69, 225.72, and related forms  
 10/18/02 AMEND: 1956.8  
 09/16/02 AMEND: 1960.1, 1960.5, 1961, 1962,  
 07/25/02 AMEND: 422.01  
 07/22/02 ADOPT: 2444.2 AMEND: 2111, 2112, 2139, 2140, 2147, 2440, 2441, 2442, 2443.1, 2443.2, 2443.3, 2444, 2445.1, 2445.2 2446  
 07/10/02 AMEND: 1213.1, 1230, 1239  
 07/05/02 ADOPT: 225.00, 225.03, 225.06, 225.09, 225.12, 225.15, 225.18, 225.21, 225.24, 225.27, 225.30, 225.33, 225.36, 225.39, 225.42, 225.45, 225.48, 225.51, 225.54, 225.57 225.60, 225.63, 225.66, 225.69, 225.72

**Title 13, 17**

09/12/02 ADOPT: 1969, 60060.1, 60060.2, 60060.3, 60060.4, 60060.5, 60060.6, 60060.7

**Title 14**

10/28/02 AMEND: 1058.5  
 10/28/02 ADOPT: 4971  
 10/24/02 ADOPT: 17211, 17211.1, 17211.2, 17211.3, 17211.4, 17211.5, 17211.6, 17211.7, 17211.8, 17211.9  
 10/21/02 AMEND: 163, 163.5, 164  
 10/15/02 AMEND: 2030  
 10/09/02 ADOPT: 819.06, 819.07 AMEND: 815.03, 815.05, 817.02, 817.03, 818.02, 818.03, 819, 819.01, 819.02.8, 19.03, 819.04, 819.05  
 10/09/02 AMEND: 502, 507(c)  
 10/08/02 AMEND: 2135  
 10/03/02 ADOPT: 3810, 3811, 3812, 3813, 3814, 3815, 3816, 3817  
 10/03/02 AMEND: 3502  
 10/01/02 ADOPT: 3940, 3941, 3942, 3943, 3944, 3945, 3946, 3947, 3948  
 10/01/02 AMEND: 3650, 3652, 3653, 3655, 3656, 3658  
 09/30/02 AMEND: 3901, 3909, 3910  
 09/30/02 AMEND: 17400, 17402, 17402.5  
 09/19/02 AMEND: 3626, 3627, 3628  
 09/18/02 AMEND: 300(a) REPEAL: 502.1  
 09/12/02 ADOPT: 105.5 REPEAL: 195  
 09/12/02 AMEND: 120.3  
 09/09/02 AMEND: 550, 551, 552  
 09/09/02 ADOPT: 712  
 09/04/02 ADOPT: 104.1  
 08/28/02 ADOPT: 786.7, 786.8 AMEND: 786.0, 786.1, 786.2, 786.3, 786.4, 786.5, 786.6  
 08/26/02 ADOPT: 18090.0, 18090.1, 18090.2, 18090.3, 18091.1, 18092.0 18093.0, 18093.1, 18094.0 AMEND: 18011  
 08/21/02 AMEND: 7.50 (b)(212)  
 08/13/02 ADOPT: 844.3, 844.4, 844.5 AMEND: 790, 840, 840.1, 841, 842, 843, 843.1, 843.2, 843.3, 843.4, 843.6, 843.7, 843.8, 843.9, 844, 844.1, 844.2, 844.6, 844.7, 845, 845.1, and 845.2  
 08/12/02 ADOPT: 150.02, 150.04  
 08/09/02 AMEND: 670.2  
 08/06/02 AMEND: 28.59  
 07/31/02 ADOPT: 50.00, 50.01, 50.02, 50.03, 51.00, 51.01, 51.02, 51.04, 51.05, 155.01, 155.05, 155.10 AMEND: 109  
 07/25/02 ADOPT: 18085, 18086, 18087, 18088 AMEND: 18011, 18056  
 07/25/02 AMEND: 791.7; Forms FG OSPR-1925, FG OSPR-1947, and FG OSPR-1972.



07/17/02 AMEND: 2090, 2105, 2420, 2425, 2530, 2690 renumbered to 2850  
 07/15/02 ADOPT: 916.13, 936.13, 956.13, 916.13.1, 936.13.1, 956.13.1, 916.13.2, 936.13.2, 956.13.2, 916.13.3, 936.13.3, 956.13.3, 916.13.4, 936.13.4, 956.13.4, 916.13.5, 936.13.5, 956.13.5, 916.13.6, 936.13.6, 956.13.6, 916.13.7, 936.13.7, 956.13.7, 916.13.8, 936  
 07/12/02 AMEND: 895.1, 898, 914.8, 934.8, 954.8, 916, 936, 956, 916.2, 936.2, 956.2, 916.9, 936.9, 956.9, 916.11, 936.11, 956.11, 916.12, 936.12, 956.12, 923.3, 943.3, 963.3, 923.9, 943.9, 963.9

**Title 15**

10/04/02 AMEND: 3025, 3315  
 09/30/02 AMEND: 3006  
 08/27/02 ADOPT: 3375.5 AMEND: 3000, 3375, 3375.1, 3375.2, 3375.3, 3375.4, 3377  
 08/19/02 ADOPT: 3426  
 07/24/02 ADOPT: 3220.2, 3220.3 AMEND: 3220, 3220.1  
 07/12/02 AMEND: 3000, 3454, 3456, 3457, 3458, 3459, 3460, 3462, 3463, 3464

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10/23/02 ADOPT: 1777, 1777.1, 1777.2, 1777.3, 1777.4, 1777.5, 1778, 1778.1, 1778.2, 1778.3  
 10/08/02 AMEND: 308  
 10/02/02 ADOPT: 306.3  
 09/24/02 AMEND: 1999.5  
 09/23/02 AMEND: 306.2  
 09/13/02 AMEND: 1811  
 09/11/02 ADOPT: 1706.5, Article 5, Article 6, Article 7, Article 8, Article 10, Article 10.1. AMEND: 1703, 1704, 1705, 1706, 1706.1, 1707.1, 1707.3, 1708.2, 1708.3, 1708.4, 1709, 1710, 1715.6, 1716, 1716.1, 1716.2, 1717, 1717.1, 1717.2, 1717.4, 1718, 1718.1, 171  
 09/10/02 AMEND: 1305, 1306, 1328  
 09/10/02 AMEND: 331-12.2(e)  
 09/09/02 AMEND: 438  
 08/20/02 AMEND: 1382.3  
 08/08/02 AMEND: 1707.2  
 08/07/02 ADOPT: 4140, 4141, 4142, 4143  
 08/01/02 ADOPT: 3367, 3368  
 07/31/02 AMEND: 2473  
 07/30/02 AMEND: 1399.523  
 07/26/02 AMEND: 3340.16, 3340.16.5, 3340.17, 3340.32, 3340.42, 3340.50 REPEAL: 3340.16.7  
 07/17/02 AMEND: 1387.1  
 07/03/02 AMEND: 3394.4 and 3394.6

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10/29/02 AMEND: 54000, 54001  
 10/08/02 AMEND: 93105(a)(1)  
 09/24/02 AMEND: 6020, 6025, 6035, 6050, 6051, 6065, 6070, 6075  
 09/04/02 ADOPT: 94200, 94201, 94202, 94203, 94204, 94205, 94206, 94207, 94208, 94209, 94210, 94211, 94212, 94213, 94214  
 08/29/02 AMEND: 57332  
 08/22/02 ADOPT: 33001, 33002, 3303, 33004, 33005, 33006, 33007, 33008, 33010, 33011, 33012, 33013, 33014, 33015, 33025, 33050 AMEND: 33020, 33030, 33040 REPEAL: 33001, 33010  
 08/20/02 ADOPT: 93112  
 08/19/02 ADOPT: 94164, 94165 AMEND: 94010, 94011, 94153, 94155, 94163,  
 08/08/02 AMEND: 58420  
 08/08/02 AMEND: 30253  
 07/22/02 ADOPT: 93105  
 07/17/02 ADOPT: 2638 AMEND: 2500, 2502, 2505, 2551, 2552, 2553, 2596, 2614, 2626

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10/08/02 AMEND: 24344(c)  
 09/19/02 AMEND: 305.1  
 09/03/02 ADOPT: 1534  
 09/03/02 AMEND: 1541  
 09/03/02 AMEND: 1540  
 08/20/02 AMEND: 1528  
 08/19/02 AMEND: 1543

**Title 19**

10/21/02 AMEND: 981.3(a)(b)(d)  
 10/10/02 ADOPT: 2735.3(rr), 2770.4.1 AMEND: 2735.3(rr) to (zz), 2770.5  
 09/12/02 ADOPT: 2575, 2575.1, 2575.2, 2576, 2576.1, 2577, 2577.1 2577.2, 2577.3, 2577.4, 2577.5, 2577.6, 2577.7, 2577.8, 2578, 2578.1, 2578.2  
 09/12/02 ADOPT: 2575, 2575.1, 2575.2, 2576, 2576.1, 2577, 2577.1, 2577.2, 2577.3, 2577.4, 2577.5, 2577.6, 2577.7, 2577.8, 2578, 2578.1, 2578.2, 2578.3

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10/28/02 ADOPT: 1601, 1602, 1602.1, 1603, 1604, 1605, 1605.1, 1605.2, 1605.3, 1606, 1607, 1608 REPEAL: 1601, 1602, 1603, 1604, 1605, 1606, 1607, 1608

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11/05/02 AMEND: 1256-9, 1253. 12-1, 1030(a)-1  
 10/31/02 ADOPT: 64806  
 10/28/02 ADOPT: 110250, 110374, 117016, 117019, 117021, 117025, 117030, 117036, 117042, 117047, 117049,

117052, 117054 117064, 117074, 117080,  
117083, 11785, 117089, 117091, 117094,  
117200, 117300, 117301, 117302,  
117303, 117400, 117401, 117402,  
117403, 117404,  
10/21/02 ADOPT: 110226, 110242, 110251,  
110336, 110337, 110355 110485, 110547,  
110615, 116004, 116018, 116036, 116038,  
116042, 116061, 116062, 116063,  
116100, 116102, 116104, 116106,  
116108, 116110, 116114, 116116, 116118,  
116120, 116122, 116124, 116130,  
116132, 116  
10/09/02 ADOPT: 111900, 111910, 111920,  
121100, 121120, 121140 REPEAL:  
(MPP) 12-435  
10/07/02 AMEND: 5000, 5065, 5102  
09/30/02 ADOPT: 110550 AMEND: 110413,  
113100, 113200, 113300 REPEAL: 12-  
401.1, 12-104.432  
09/23/02 AMEND: 66261.9  
09/03/02 ADOPT: 69100, 69101, 69102, 69103,  
69104, 69105, 69106, 69107  
09/03/02 AMEND: 40633  
08/27/02 AMEND: 12601, 12201  
08/22/02 ADOPT: 110385, 110449, 110554,  
118020, 118203  
08/21/02 AMEND: Chapter 1 ; Section 7000  
08/14/02 ADOPT: 111560  
08/06/02 ADOPT: 63000.17, 63000.47, 63000.66,  
63000.70, 63000.81, 63000.84, 63000.85,  
63000.86, 63000.87, 63000.88, 63015,  
63058 AMEND: 63000.19, 63000.37  
(and renumbered to 63000.67), 63000.40,  
63000.43, 63000.62, 63000.86 (and re-  
numbered to 63000.89), 63000.89  
08/06/02 ADOPT: 66273.6, 66273.80, 66273.81,  
66273.82, 66273.83, 66273.84, 66273.85,  
66273.86, 66273.87, 66273.68, 66273.69,  
66273.90 AMEND: 66271.9, 66273.1,  
66273.8, 66273.9  
08/05/02 AMEND: 68200, 68201, 68202, 68203,  
68204, 68205, 68206, 68207, 68208,  
68209, 68210, 68211, 68212, 68213,  
68214  
08/01/02 AMEND: 66262.54, 66264.71, 66264.72,  
66265.71, 66265.72, 66270.30, Appendix  
07/22/02 ADOPT: 111550  
07/18/02 AMEND: 12705, 12805  
07/16/02 AMEND: 51503, 51503.2, 51504,  
51505.1, 51505.2, 51505.3, 51507,  
51507.2, 51507.3, 51509, 51509.1,  
51514, 51517, 51521, 51527, 51527,  
51529, 51535.5  
07/15/02 ADOPT: 64860

07/03/02 ADOPT: 66268.31.5 AMEND: 66261.32,  
66261.33, Ch. 11 App. VII, Ch. 11 App.  
VIII, 66268.7, 66268.33, 66268.39.5,  
66268.40 and table entitled "Treatment  
Standards for Hazardous Wastes,  
66268.48, 66268.49, Ch. 18 App. VII.

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10/28/02 ADOPT: 89202, 89261, 89319, 89323,  
89370, 89372, 89374, 89376, 89388,  
89400, 89405 AMEND: 87000, 87001,  
87005, 87006, 87007, 87009, 87010,  
87010.1, 87010.2, 87017, 87018, 87019,  
87019.1, 87019.2, 87020, 87021, 87024,  
87026, 87027, 87028, 87029, 87031, 9  
08/15/02 ADOPT: 110041, 110042, 110098,  
110284, 110299, 110428, 110539 110609,  
112002, 112015, 112025, 112034, 112035  
AMEND: 110430, 110431, 110473,  
112100, 112110, 12130, 112140, 112150,  
112152, 112154, 112155, 112200, 112210,  
112300, 112301, 112302, REPEAL: 12  
08/09/02 ADOPT: 80075.1, 82075.2, 87575.2,  
87925 AMEND: 80001, 80061, 82001,  
82061, 87101, 87561, 87801, 87861  
08/09/02 AMEND: 80001, 80006, 80061, 80065,  
80068.3, 80071, 80075, 80077.2,  
80077.3, 80077.4, 80087, 80090,  
80092.1, 80092.2, 80092.3, 80092.4,  
80092.6, 80092.7, 80092.8, 80092.9,  
80092.10, 80092.11 REPEAL: 80095  
08/07/02 AMEND: 101218.1, 102419, 102421  
08/01/02 AMEND: 87101, 87565, 87566, 87568,  
87589  
07/24/02 ADOPT: 110000, 110042, 110046,  
110088, 110099, 110109, 110129,  
110135, 110147, 110148, 110150, 110164,  
110182, 110184, 110186, 110194,  
110200, 110220, 110224, 110230,  
110252, 110261, 110289, 110341,  
110410, 110431, 110436, 110445,  
110456, 110474, 110478,  
07/23/02 ADOPT: 87227.1, 87583.1 AMEND:  
80007(a), 87101(s), 87107(a), 87114,  
87118(a), 87222(a), 87561(a)(1)(A),  
87585(a), 87587, 87700, 87702,  
87807(a), 87854(d)

#### Title 23

10/29/02 AMEND: 2200  
09/25/02 AMEND: 645, 717(c), 767(b)  
09/19/02 AMEND: 3937  
08/27/02 ADOPT: 3410, 3410.1, 3410.2, 3410.3,  
3410.4, 3410.5  
08/23/02 ADOPT: 2729, 2729.1  
08/08/02 AMEND: 3953

- 07/30/02 AMEND: 2910  
 07/18/02 ADOPT: 3936  
 07/16/02 ADOPT: Publish new section 3935
- Title 25**  
 10/01/02 AMEND: 7202, 7234  
 09/30/02 AMEND: Section 6500, Appendix A & B
- Title 27**  
 07/23/02 ADOPT: 10010(a), 10010(b), 10010(c), 10010(d) REPEAL: 10010
- Title 28**  
 08/19/02 ADOPT: 1300.73.21  
 08/12/02 ADOPT: 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008  
 07/17/02 ADOPT: 1300.67.05  
 07/08/02 REPEAL: 1300.75.4.2, 1300.75.4.4
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 10/21/02 AMEND: 31-001, 31-002, 31-075, 31-401, 31-405, 31-410, 31-420, 31-440, 31-445  
 10/02/02 ADOPT: 40-107.141, .142, .143, .144, .15, 151, .152; 42-302.114, .114(a)-(c), .21(h)(l), .3; 44-133.8; 82-833 AMEND: 40-107.14, 16, .17, .18, .19; 42-301.2; 44-133.51; 82-823  
 09/30/02 AMEND: 63-403.1, 63-405.134, 63-409.122, 63-502.31  
 08/30/02 ADOPT: 16-001, 16-003, 16-005, 16-010, 16-015, 16-105, 16-120, 16-130, 16-201, 16-215, 16-301, 16-310, 16-315, 16-320, 16-325, 16-401, 16-410, 16-501, 16-505, 16-510, 16-515, 16-517, 16-520, 16-601, 16-610, 16-701, 16-750, 16-801 AMEND: 20-300, 44-302,  
 08/06/02 AMEND: 63-102, 63-103, 63-300, 63-301, 63-503  
 08/01/02 AMEND: 40-181.1(e); 42-710.6; 42-711.5, .6, &.8, 42-721.1 &.4; 44-314.1 &.2; 80-301(r); and 82-812.6  
 08/01/02 AMEND: 42-701.2(w), 42-710.1, 42-710.2, 42-710.3, 42-711.522(c)(1), 42-711.544, 42-711.91, 42-711.931, 42-711.941, 42-712.441(a), 42-718.21, 42-719.11, 42-719.111, 42-719.2, 42-719.3, 42-721.511(d)  
 07/26/02 AMEND: 63-402  
 07/24/02 ADOPT: 16-702  
 07/22/02 ADOPT: 40-188.136, 40-188.16, 40-188.21 AMEND: 40.101.11, 40-188.11, 40-188.12, 40-188.13, 40-188.131, 40-188.132, 40-188.133, 40-188.137, 40-188.138, 40-188.15, 40-188.17, 40-188.22, 40-188.23, 40-188.24, 40-188.25, 40-190.22  
 07/03/02 ADOPT: 69-209, 69-210 AMEND: 69-201, 69-202, 69-203, 69-204, 69-205, 69-206, 69-207, 69-208, 69-211, 69-212, 69-213, 69-214, 69-215, 69-216, 69-217, 69-301, 69-302, 69-303, 69-304, 69-205, 69-306 REPEAL: 69-210, 69-221

